

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11780 OF 2025

Fakruddin Sharafuddin Jahagirdar ...Petitioners
(since deceased) thru LRs

Versus

M/s Bora Galande Associates & Ors. ...Respondents

Mr. Girish Godbole, Senior Advocate a/w Mr. Aseem Naphade i/by
Mr. Ramiz Shaikh, for Petitioners.

Mr. R.D. Soni a/w Mr. V.R. Kasle i/by Ram and Co., for the
Respondent Nos. 1 to 3.

CORAM: MADHAV J. JAMDAR, J.

DATED : 10th September 2025

P.C.:

1. Heard Mr. Godbole, learned Senior Counsel for the
Petitioners and Mr. Soni, learned Counsel for the Respondent Nos.
1 to 3.

2. After the matter is heard for sometime, Mr. Soni, learned
Counsel on instructions, states that by consent, impugned Order
dated 11th February 2025 passed by the learned *Ad hoc* District
Judge-2, Pune below Exhibit-5 in Regular Civil Appeal No. 235 of
2024 be quashed and set aside.

3. In view of said submission made by Mr. Soni, learned Counsel for Respondent Nos.1 to 3, Mr. Godbole, learned Senior Counsel for the Petitioners states that he has instructions to delete Respondent Nos.4 to 7 from the array of the parties for the purpose of this Writ Petition.

4. Accordingly, by consent of the parties, following Order is passed :

(i) The impugned Order dated dated 11th February 2025 passed by the learned *Ad hoc* District Judge-2, Pune below Exhibit-5 in Regular Civil Appeal No. 235 of 2024 is quashed and set aside.

(ii) Resultantly, the Application bearing Exhibit-5 in Regular Civil Appeal No. 235 of 2024 is restored to the file of District Court, Pune.

(iii) The concerned District Judge, Pune to decide said Exhibit-5 Application afresh after hearing both the parties.

(iii) Both the parties to maintain status-quo as on today.

5. The learned District Judge,-2, Pune is requested to dispose of Exhibit-5 Application in Regular Civil Appeal No. 235 of 2024 expeditiously.

6. It is clarified that this Court has not expressed any opinion on merits and all contention on merits are expressly kept open.

(MADHAV J. JAMDAR, J.)