



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.1009 OF 2025

ISHWAR S/O LAHANU BAWANE

VERSUS

THE DIRECTOR GENERAL ORDNANCE (COORDINATION AND
SERVICE), KOLKATA AND OTHERS

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.G. Burde, Advocate for Petitioner.
Mr. C.J. Dhumane, Advocate for Respondent Nos.1 to 3.
Mr. N.S. Autkar, AGP for Respondent Nos.4 to 8, 10 to 12 & 16.
Mr. A.Y. Kapgate, Advocate for Respondent No.14.
Mr. K.J. Topale, Advocate for Respondent No.15.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 01st DECEMBER 2025

PER COURT :-

1. Heard learned Advocate for the petitioner and learned Advocates for the respondents.
2. The petitioner's challenge is to the judgment and order dated 09.10.2024, passed by District Judge, Nagpur, by which Misc. Civil Appeal No.105 of 2023 is allowed and the order dated 31.10.2020, passed by 4th Joint Civil Judge Senior Division, Nagpur, in Special Civil Suit No.90 of 2018, on an application at Exhibit 70 for temporary injunction is quashed and set-aside.
3. The primary contention of the learned Advocate for the petitioner is that the impugned judgment and order is passed by the appellate court by wrongly observing that the petitioner, who was

arrayed as respondent No.1 and who was contesting party in the appeal, was served with notice and no reply was filed on his behalf. However, notice of appeal was not at all served upon the petitioner.

4. In this regard, learned Advocate for respondent Nos.1 to 3, who were appellants in the appeal, on instructions, makes a statement that the petitioner was not actually served in the appeal.

5. Having regard to this limited aspect of the matter, as the impugned judgment and order was passed without effecting the service of notice upon the petitioner, the matter needs to be remitted back to the appellate court for deciding afresh, by affording an opportunity of hearing to all the parties.

6. Hence, the impugned judgment and order dated 09.10.2024, passed by District Judge, Nagpur, in Misc. Civil Appeal No.105 of 2023, is quashed and set-aside. The matter is remanded back to the appellate court to decide the appeal afresh, after affording an opportunity of hearing to all the parties concerned. Parties are directed to appear before the appellate court on 15th December 2025.

7. In view of this, the writ petition is disposed of.

8. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

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