



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

Writ Petition No. 410 of 2024

Umashankar Motilal Agrawal and others Vs. Rajendraprasad s/o Puranlalji Bansal

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.D.Paliwal, Advocate for the petitioners.
Mr. A.A.Dhawas, Advocate for the respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 07/10/2025.

1. Heard Mr. Paliwal, learned counsel for the petitioners and Mr. A.A.Dhawas, learned counsel for the respondent.

2. The present petition is directed against the order passed by Civil Judge, Senior Division, Kelapur in Special Civil Suit No.34/2016, below Exhibit 1, as well as the order dated 8.8.2023 rejecting the application for setting aside ex-parte order (Exh.17) and application for striking out names (Exh.21).

3. When the matter was called out in the morning session, learned counsel for the petitioners submitted that the suit itself had been dismissed in default and sought time to take instructions. Accordingly, the matter was kept at 2.30 p.m. for the same. When the matter was called out at 2.30 p.m., learned counsel made a statement that an application for restoration would be filed.

4. In view of the fact that the Special Civil Suit No.34/2016 has already been dismissed in default and the applications filed therein have also been rejected, keeping present petition pending before this Court would serve no purpose. Accordingly, the petition is disposed of by granting liberty to the petitioners to file a fresh application before the

concerned Court, in the event the Special Civil Suit No. 34 of 2016 is restored to file.

5. In view of above observations, the petition stands disposed of. There shall be no order as to costs.

(Siddheshwar S. Thombre, J)

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