



1760-2025

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

WRIT PETITION NO. 1760 OF 2025

(Dr. Sanjay Padmsi Khona alise Abhednath Guru Sevanath Vs. Namdeo Ramkrushna Katkar & Ors.)

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

Court's or Judge's orders.

Ms Payal Kaware, Counsel for the petitioner.

Ms Vijaya Thakre, Counsel for respondent nos. 1, 2 and 4 to 7
(Caveators).

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CORAM : ANIL L. PANSARE, J.
APRIL 21, 2025

Heard.

2] Challenge is to order dated 27/2/2025 passed below Exh. 55 by the Civil Judge Junior Division, Darwha, in Regular Civil Suit No. 83/2018, thereby rejecting the application filed by the petitioner – original defendant under Order I Rule 10(2) of the Code of Civil Procedure, 1908, to strike out the parties – respondent nos. 1 to 6 – original plaintiff nos. 1 to 6, of which respondent no.3 has expired.

3] During the course of hearing, it transpired that in earlier round of litigation, which had arisen out of an order refusing to reject the plaint, this Court had noted that the trial Court has permitted respondent nos. 1 to 6 to institute suit in representative capacity vide order dated 12/12/2018 and the said order has attained finality.

4] Thus, it appears that the order permitting respondent nos. 1 to 6 to file suit in representative capacity, has attained finality.

5] In context with above, a query was made as to how the petitioner, without challenging the said order, can seek striking-off the said respondents. The learned Counsel for the petitioner seeks time to take instructions. Granted.

6] Stand over in the week commencing from 5/5/2025.

(ANIL L. PANSARE, J.)

Sumit