



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

WRIT PETITION NO.5117 OF 2025

NANUJI LALJI SELOKAR, (SINCE DEAD), THR. HIS LRS., SADHNA WD/O
NANUJI SELOKAR AND OTHERS

--- .Vs. ---

SHEKHAR S/O PRALHAD AGRAWAL

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. N.R. Raut, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 09th SEPTEMBER 2025

1. Heard learned Advocate for the petitioners.
2. Challenge is to the order dated 21.07.2025, passed by the Court of Joint Civil Judge Senior Division, Bhandara, rejecting the petitioners' application for leave to defend in Sum.C.S. No.42 of 2023.
3. Learned Advocate for the petitioners submits that the the petitioners/defendants had submitted an application for leave to defend rasing a dispute and plausible defence. However, the learned Trial Court has rejected the said application only on the ground that the reply notice was not filed along with the application.
4. Learned Advocate for the petitioners submits that the reply notice was to be filed along with the written statement, which could have demonstrated that the petitioners/defendants had a *bona fide*

dispute about the alleged loan transaction of Rs.12,50,000/-. He submits that the impugned order rejecting the application for leave to defend is passed by the Trial Court by ignoring the settled position of law. In support of his submissions, learned Advocate for the petitioners relies on the judgment of the Hon'ble Supreme Court in the case of ***B.L. Kashyap and Sons Limited Vs. JMS Steels and Power Corporation and Another, [(2022) 3 SCC 294]***.

5. It is submitted that after the application for leave to defend is rejected, the matter is posted for judgment and therefore, learned Advocate for the petitioners prays for interim relief.

6. Issue notice to the respondent, returnable after four weeks.

7. In the meantime, ad-interim relief in terms of prayer clause "D", which reads as under, shall operate.

"during pendency of the present petition, be pleased to grant stay to the further proceedings of Sum.C.S. No.42 of 2023 pending on the file of learned court of Joint Civil Judge Senior Division, Bhandara"

(PRAFULLA S. KHUBALKAR, J.)