



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16702 OF 2025**

Sanjay Tukaram Chondhe and Ors. ... Petitioners
versus
Baban Bandu Chondhe and Ors. ... Respondents

Mr. Ashutosh Gole, for Petitioners.
Mr. Kishor Patil with Mr. Anish Kikle, Ms. Akshada Nagrale i/by Mr. Pratik Rahade, for Respondent Nos.1 to 3.

CORAM: N.J.JAMADAR, J.

DATE : 25 FEBRUARY 2026

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this Petition is to an order dated 25 August 2025, whereby the learned Judge, Court of Small Causes, Pune, has rejected the application filed by the Petitioners – Defendant Nos.3 to 6 to set aside the order whereby their right to lead evidence stood forfeited.
3. Learned Counsel for the Petitioners submitted that the Petitioners could not appear before the Court and lead the evidence as there was lack of communication from the Advocate who then represented the Petitioners. Eventually, the Petitioners were required to change the Advocate and file an application to set aside no evidence order passed against the Petitioners.
4. Mr. Patil, learned Counsel for the Respondents – Plaintiffs resisted the Petition.

5. From the perusal of the material on record, there appears some amount of delay and indolence on the part of Defendant Nos.1 to 3. However, the cause of substantive justice would be better served if Defendant Nos.1 to 3 are provided an opportunity to lead evidence so that the lis can be decided on merits. At the same time, the delay and inconvenience caused to the Plaintiffs needs to be redressed. Thus, the Writ Petition deserves to be allowed.

6. Hence, the following order :

ORDER

(i) The Writ Petition stands allowed.

(ii) The impugned order dated 25 August 2025 rejecting the application to set aside the order, whereby the right of the Defendants to lead evidence stood forfeited, stands quashed and set aside.

(iii) The parties shall appear before the learned Judge on 27 February 2026, when the Defendants shall start leading their evidence. The Defendants shall complete exercise of leading their evidence within a period of one month.

(iv) The Petitioners shall pay costs of Rs.10,000/- to the Respondent Nos.1 to 3 – Plaintiffs, collectively, within a period of two weeks.

(v) The learned Judge is requested to hear and decide the suit as expeditiously as possible.

(N.J.JAMADAR, J.)