

Ajit

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4544 OF 2026**

Sitaram Chiranjilal Agarwal	...Petitioner
Versus	
Umadevi Satyanarayan Agarwal	...Respondent

Mr. Omprakash Jha a/w Ahmed Padela i/b The Law Point, for the
Petitioner.

Ms. Umadevi S. Agarwal, Respondent in person, present.

CORAM: N. J. JAMADAR, J.

DATE : 17th APRIL 2026

P.C.:

- 1.** Heard the learned counsel for the parties.
- 2.** A limited prayer in the Petition is to take the Affidavit-in-Reply filed on behalf of the Petitioner in the Notice of Motion, as a reply to the Notice of Motion, instead of the written submissions in reply, as ordered by the learned Judge, City Civil Court, in Notice of Motion No. 0105372 of 2024.
- 3.** The Respondent in person submits that in view of the advanced age of the parties, the hearing of the Suit be expedited.
- 4.** The learned counsel for the Petitioner submits that the tenability of the Suit itself is in question, as an application under Section 10 of the Code of Civil Procedure for stay of the instant Suit, in view of the pendency of the former Suit, has been filed.

5. Since the Petitioner has already filed a reply to the Notice of Motion, it would be in the interest of justice that the said Affidavit-in-Reply is taken on record as a reply to the Notice of Motion instead of written submissions.

6. Let the Affidavit-in-Reply filed by the Petitioner be treated as Affidavit-in-Reply to the Notice of Motion and not written submissions in reply.

7. The learned Judge, City Civil Court is requested to hear and decide all the pending applications/Notices of Motion in the Suit and depending upon the outcome of those applications/Notices of Motion, hear and decide the Suit itself, as expeditiously as possible.

8. The Petition stands disposed.

[N. J. JAMADAR, J.]