



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

Writ Petition No.155/2026

M/s A.R. Construction V State of Maharashtra and others

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

Court's or Judge's orders

Mr. S.A. Mohta, Advocate for petitioner.
Mrs. Prabhu, AGP for resp. nos.1 and 2.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 08-01-2026.

Heard.

2. Petitioner's challenge is to order dated 02-08-2025 passed by the trial Court on Exhibit-1 in Regular Civil Suit No.55/2025, by which the plaint is returned to the plaintiff with a direction to present it after compliance with requirement of sub-section (1) of Section 80 of the Code of Civil Procedure (for short, 'C.P.C.').

3. Learned Counsel for the petitioner submits that the petitioner/plaintiff was already granted leave to file suit without serving notice under Section 80 of the C.P.C. and as such rejection of plaint by the impugned order is unsustainable in view of the judgment in the matter of *Snehankita Pankaj Pawar and another vs Shirknat Shivaji Todkar and others*, (Writ Petition No.7414/2021 dated 24-11-2025 (Coram-S.G. Chapalgaonkar, J.).

4. Issue notice for final disposal to the respondents, returnable after two weeks.

5. Learned AGP waives service of notice on behalf of respondent nos.1 and 2.

(Prafulla S. Khubalkar, J.)