

MHLA110000982016



Order below Exh.1 in RCS No.119/2016

Raosaheb Vs. Layakpasha

Parties are absent. Learned advocates of both the parties are present. Learned advocate for plaintiff submitted that being aggrieved by the order dated 30/10/2023 passed at **Exh.95**, the plaintiff has preferred WP No.732/2024 before Hon'ble Bombay High Court, Bench at Aurangabad. He drawn my attention towards the letter dated 30/01/2024 issued by advocate Shri T.M.Venjane and submitted that the Hon'ble Bombay High Court, Bench at Aurangabad has granted interim protection in favour of plaintiff and stayed the proceedings of present suit. I have verified the order passed by Hon'ble Bombay High Court, Bench at Aurangabad in WP No.732/2024 on CIS and it reveals that the Hon'ble Bench by order dated 24/01/2024 has granted conditional stay to the present suit and the plaintiff was directed to serve the respondents i.e. defendants herein by all permissible modes in addition to the regular mode of service. The Hon'ble Bench has further directed that in the event, the plaintiff does not serve defendants till next date, the interim relief granted today would automatically stand vacated.

2. As per CIS, the next date of said W.P.No.732/2024 was 24/09/2024. There is no material on record to show that plaintiff has complied with the order dated 24/01/2024 and has served defendants by all permissible modes in addition to the regular mode of service of notice. The order dated 24/01/2024 was conditional and it was obligatory on the part of plaintiff to comply with the said order, if he intends to enjoy the stay granted by Hon'ble Bombay High Court, Bench at Aurangabad to present suit. In the absence of any material on record to show service of notice on defendants by other permissible modes, it is necessary to issue certain directions to plaintiff. Hence, I pass following order:-

ORDER

1. Plaintiff shall submit his affidavit on next date thereby informing this Court that the notice of above referred writ petition has been served upon defendants, as directed by Hon'ble Bombay High

Court, Bench at Aurangabad vide order dated 24/01/2024.

2. Failure on the part of plaintiff in complying with this order, it shall be presumed that he has failed to comply with the order dated 24/01/2024 passed by Hon'ble Bombay High Court, Bench at Aurangabad in W.P. No.732/2024 and suit shall proceed in accordance with law.

Date :10/10/2024

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur