

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6334 OF 2024

Motiram Tukaram Nimbekar and Ors. .. Petitioners

Versus

Prakash Bhaskar Handore and Ors. .. Respondents

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- Mr. Shriram S. Kulkarni a/w. Mr. Swapnil S. Mhatre and Mr. Manish K. Vig, Advocates for Petitioners.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 29, 2024

P.C.:

- 1.** Mentioned out of turn.
- 2.** Heard Mr. Kulkarni, learned Advocate for Petitioners.
- 3.** Writ Petition impugns judgment dated 01.04.2024 passed in Miscellaneous Civil Appeal No.25 of 2023 which allows the Miscellaneous Civil Appeal and upsets the order dated 02.02.2022 passed below Exhibit-5 in Regular Civil Suit No.176 of 2021.
- 4.** The controversy pertains to implementation of Tahsildar order dated 05.02.2019 in respect of Wahiwat. Respondents will have to be heard. In that view of the matter, the judgment dated 01.04.2024 stands stayed.
- 5.** Hence, issue notice to the Respondents. Humdast permitted. In addition to Court's notice, Petitioners are directed to serve the Respondents a copy of this order and copy of the Writ Petition and

inform them about the next date of hearing by any permissible mode of service and file appropriate affidavit of service with tangible proof thereof. Respondents are directed to file Affidavit-in-Reply to the Writ Petition within a period of four weeks from today. Rejoinder, if any, to be filed within two weeks thereafter.

6. Resultantly in the meanwhile, the injunction which was allowed by previous order dated 02.02.2022 shall continue until the present Writ Petition is disposed.

7. It is clarified that in view of the pending proceeding between the parties before the Trial Court, this Writ Petition shall be disposed at the stage of admission itself which parties shall take note.

8. Stand over to **12th June, 2024.**

H. H. SAWANT

[MILIND N. JADHAV, J.]

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HANUMANT
SAWANT

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