

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 1340 OF 2026

Bharat Vinayak Latpate And Others

VERSUS

Ashvini Bharat Latpate And Others

...

Advocate for the Petitioners : Mr. A.D. Choure h/f Mr. Karad  
Murlidhar S

...

**CORAM : S. G. CHAPALGAONKAR, J.**

**DATED : FEBRUARY 04, 2026**

**PER COURT :-**

1. Heard learned advocate appearing for petitioners.
2. The order dated 25.09.2025 passed by Civil Judge Senior Division, Gangakhed below Exhibit-50 under provisions of Order XXXIX Rule 11 of Civil Procedure Code, thereby striking off defence of defendants in Special Civil Suit No.18 of 2020 is assailed.
3. Learned advocate appearing for petitioners invites attention of this Court to interim order dated 23.02.2022, whereby Trial Court was pleased to direct defendant no.1 to pay maintenance to plaintiffs. He would submit that alleging disobedience of aforesaid order, Trial Court passed the order to struck off defence of all defendants. According to him at the most, defendant no.1 who was guilty of disobeying the order could have been imposed with penalty of struck off defence. However, order is passed generically against all defendants, who are not responsible for breach of interim order.
4. In result, issue notice to respondents, returnable on 04.03.2026.

(2)

5. Till then, effect and implementation of impugned order dated 25.09.2025 passed below Exhibit-50 be kept in abeyance.

**(S.G. CHAPALGAONKAR, J.)**