

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO.4150 OF 2012

Vijay s/o Raghunath Bhamre,
Age 52 years, Occu. Agril.,
R/o Shindkheda, Taluka Shindkheda,
District Dhule

.. Petitioner

Versus

1. Smt.Sumanbai Punju Sonwane,
C/o Sunilkumar Punju Sonwane,
Age 55 years, Occu. Household,
R/o 204, Ashoka Gavand Bagh,
Pokhran road - II, Thane (West)

2. Raman s/o Motiram Sonwane,
Age 55 years, Occu. Agri.,
R/o Shindkheda, Taluka
Shindkheda, Dist. Dhule

3. Santosh s/o Rupla Mahale,
Age 59 years, Occu.Aгри,
R/o Nardhana, Taluka
Shindkheda, Dist. Dhule

.. Respondents

Mr A.D. Pawar, Advocate for petitioner
Respondents 1 to 3 served

CORAM : N.W. SAMBRE, J.

DATE : 20th November 2015

PER COURT

Heard.

2. The petitioner was permitted to file written statement after saddling costs of Rs.200/- while allowing application Exh.18, which was not complied. Thereafter, an application Exh.22 was moved by the petitioner-defendant to the suit for recovery of damages to permit him to place his written statement, which came to be rejected by an order dated 13th January 2012 passed by the Joint Civil Judge, Junior Division, Shindkheda, as such present petition.

3. After notice, respondents-plaintiffs though served, none appears.

4. The fact remains that the petitioner was permitted to place on record written statement on payment of costs of Rs.200/- which he has not honoured, however, in view of the fact that the petitioner undertakes to file his written statement and copy thereof which is placed on record demonstrates his *bona fide*. However, such permission will be subject to condition that the petitioner shall pay costs of Rs.4,000/- to the respondents-plaintiffs within a period of four weeks from today along with copy of written statement before the learned trial Court which will be condition precedent.

5. With above observations, the order impugned dated 13th January 2012 passed by the Joint Civil Judge, Junior Division, Shindkheda below Exh.22 in Regular Civil Suit No.40 of 2011,, is hereby set aside.

6. Writ Petition stands allowed in above terms.

(N.W. SAMBRE, J.)

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