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

WRIT PETITION NO. 4652 OF 2015

Janardhan S/o. Santram Patil,
Age: 59 years, Occu: Agril.,
R/o. Lanjeshwar, Tq. Bhoom,
Dist. Osmanabad

..PETITIONER
(Orig. Plaintiff)

VERSUS

1. Babasaheb S/o. Hariba Gawade,
Age: 70 years, Occu: Agril.,
R/o. Lanjeshwar, Tq. Bhoom,
Dist. Osmanabad

2. Shrimant S/o. Hariba Gawade,
Age: 45 years, Occu: Agril.,
R/o. Lanjeshwar, Tq. Bhoom,
Dist. Osmanabad

..RESPONDENTS
(Orig. Defendants)

Mr E. S. Murge, Advocate for petitioner;
Mr S. K. Doke, Advocate for respondents

CORAM : N.W. SAMBRE, J.

DATE : 18th December, 2015

ORAL ORDER :

Heard.

2. By the present petition, the petitioner-plaintiff has challenged the order dated 30th January, 2015, passed by Joint Civil Judge Junior Division, Bhoom, in Misc. Application No.20 of 2011, whereby *ex parte* decree passed against the respondents, defendants in Regular Civil Suit No.168 of 2007, came to be set aside subject to costs of Rs.4,000/-.

(2)

3. Having perused the cause cited by the learned Trial Court in paragraph 12 of the order impugned, for setting aside ex parte decree, passed in Regular Civil Suit No.168 of 2007, under Order IX, Rule 13 of the Code of Civil Procedure, it appears that respondents-defendants have taken the proceedings luxuriously.

4. In view of the conduct of the respondents, costs of Rs.4,000/- imposed by the learned Trial Court by order dated 20th January, 2015, passed in Misc. Application No.20 of 2011, is enhanced to Rs.10,000/-. Respondents-defendants shall deposit additional costs of Rs.6,000/- before the Trial Court, within a period of four weeks from today, to which the petitioner will be entitled to withdraw.

5. Hearing of Regular Civil Suit No.168 of 2007 is expedited.

6. Writ Petition stands disposed of in terms of above directions.

(N.W. SAMBRE, J.)

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