

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

WRIT PETITION NO. 51 OF 2015

Digambar Bhaskar Handage (More),
Age: 50 years, Occ: Agri,
Occ: Sarola Mandwa, Tal. Washi,
Dist. Osmanabad.

...Petitioner

versus

Sow. Indubai Ramrao More,
Age: 55 years, Occ: Agri.,
R/o. Sarola Mandwa, Tal. Washi,
Dist. Osmanabad & ors.

...Respondents

.....
Mr. V.S. Undre, Advocate for petitioner
Mr. N.S. Tekale, Advocate for respondent Nos. 1 & 2
.....

CORAM : N.W. SAMBRE, J.

DATE : 1st DECEMBER, 2015

ORAL ORDER :

An application Exhibit-56 in Regular Civil Suit No. 276 of 2012 for placing on record W.S. to the amended plaint is rejected by the order impugned dated 27/10/2014.

2. It is required to be noted that indulgence shown by this Court ordering the petitioner to place W.S. on record on earlier occasion was also not complied with by the petitioner by depositing cost, as such, there is 'No W.S.' of the petitioner on record of the trial

Court.

3. Learned Counsel for the petitioner submits that time to deposit costs as was ordered by this Court on 22/07/2014 in W.P. No. 10068 of 2013 be extended by two weeks from today and he also be permitted to place on record W.S. to the amended pleadings by incorporating same in the W.S. only.

4. Prayer is objected by learned Counsel for the respondents on the ground that indulgence shown by this Court is not respected by the petitioner.

5. It is required to be noted that trial is at initial stage, in view of amendment of the plaint granted in favour of the respondents.

6. In this background, in my opinion, it will be appropriate to extend time of two weeks as was ordered in W.P. No. 10068 of 2013 on 22/04/2014 and impugned order dated 27/10/2014 below Exhibit-56 in R.C.S. No. 276/2012 is set aside. The petitioner shall pay consolidated cost of Rs.10,000/- (Rs. Ten Thousand only). The cost to be deposited in the trial Court within period of two weeks from today, which plaintiff will be entitled to receive the same. The

petitioner shall place on record W.S. within period of two weeks from today. The writ petition stands allowed in above terms.

[N.W. SAMBRE, J.]

Tupe/01.12.15