

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 8935 OF 2014

Chunnilal T. Satra .. Petitioner  
vs.  
Nalini G. Khatri and ors. .. Respondents

Mr. Tejesh Dande i/b Tejesh Dande & Associates for the Petitioner.  
Mr. Yuvraj P. Narkar for Respondent Nos.1 to 6.

**CORAM : M. S. SONAK, J.**  
**DATE : 7 May, 2015.**

**P.C. :-**

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] This petition challenges the order dated 19 August 2014, by which, the learned Trial Judge has closed the evidence of the petitioner-defendant No.1, in the suit seeking the defendants' eviction from the suit premises.

3] Although, the conduct of the petitioner has not been candid, the effect of impugned order is quite disproportionate and would operate extremely harshly upon the petitioner. The petitioner, has now assured this Court that he will not delay the proceedings before the Trial Court, particularly in the matter of proceeding with the evidence on the date appointed by the Trial Court.

4] Besides, this Court, in its order dated 26 September 2014 had required the petitioner to deposit an amount of Rs.15,000/- and had also granted liberty to respondent Nos.1 to 5(original plaintiffs) to withdraw the same unconditionally after entering appearance.

5] Taking into consideration the aforesaid circumstances cumulatively, the impugned order dated 19 August 2014 is set aside. The petitioner has already deposited costs of Rs.15,000/- in this Court. Accordingly, respondent Nos.1 to 5 are at liberty to withdraw such costs unconditionally.

6] Rule is, accordingly, made absolute in terms of prayer clause (b).

7] All concerned to act upon an authenticated copy of this order.

**(M. S. SONAK, J.)**

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