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

WRIT PETITION NO.8820 OF 2016

1. Shainath s/o Ashruba Putte,
Age: 42 years, Occ: Agri.,
R/o. Satala (Vaigaon),
Tq. Deovani, Dist. Latur.
2. Sushilabai w/o Dnyanoba Kolwad,
Age: 52 years, Occ: Agri.,
3. Ramakant s/o Dnyanoba Kolwad,
Age: 32 years, Occ: Agri.,
4. Namdeo s/o Dnyanoba Kolwad,
Age: 24 years, Occ: Agri.,
5. Archana d/o Dnyanoba Kolwad,
Age: 28 years, Occ: Household,
6. Meena d/o Dnyanoba Kolwad,
Age: 26 years, Occ: Household,

Petitioner Nos.2 to 6 are
residing at Bhutekarwadi,
Tahat Sawargaon (Rokda),
Tq. Ahmedpur, Dist. Latur.

..PETITIONERS

VERSUS

1. Pandurang s/o Namdeo Udare,
Age: 74 years, Occ: Agri.,
2. Shivaji s/o Vinayak Kadam,
Age: 27 years, Occ: Agri.,

Both R/o. Bhutekarwadi,
Tahat Sawargaon (Rokda),
Tq. Ahmedpur, Dist. Latur.

..RESPONDENTS

(2)

Mr Kalyan V. Patil, Advocate for petitioners;

CORAM : NITIN W. SAMBRE, J.

DATE : 3rd NOVEMBER, 2017

ORAL ORDER :

Heard learned Counsel for the petitioners.

None for the respondents.

2. The order impugned is passed below Exhibit-32 in Regular Civil Suit No.52 of 2014, wherein the prayer for setting aside exparte order against defendant No.1 and 'No W.S.' order against defendant Nos. 3 to 7, on 30th June, 2014 was sought to be set aside.

3. The trial Court refused to entertain the prayer for the reasons that the parties were offered sufficient opportunities.

4. This Court, while issuing notice on 10th January, 2017 has considered striking of equities and the petitioners were directed to deposit amount

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of Rs.10,000/-. Mr. Patil, learned Counsel for the petitioners informs that the said amount is deposited.

5. As the claim of the petitioners not opposed and to give chance to the petitioners in the interest of justice, in my opinion, the order passed below Exhibit-32 rejecting the application on 15th September, 2015 needs to be set aside by allowing the said application. Defendant No.1 and defendant Nos. 3 to 7, against whom exparte order and 'No W.S.' order was passed, are permitted to participate in the proceedings and permitted to file written statement by setting aside 'No W.S.' order.

6. Mr. Patil, learned Counsel for the petitioners informs that written statement is already placed on record, which be accepted.

7. The petitioners shall co-operate the trial Court in expeditious disposal of the suit and shall

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not seek unnecessary adjournment.

8. The plaintiff will be entitled to withdraw amount of Rs.10,000/- (Rs. Ten thousand only) deposited in this Court.

9. With above observations, the writ petition stands disposed of.

(**NITIN W. SAMBRE, J.**)

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