

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

WRIT PETITION NO. 10381 OF 2016

- 1 Balasaheb Rambhu Datal
age 60 years, occ. Agri
r/o Late Galli, Manik Chauk
Dist. Ahmednagar
- 2 Balasaheb Nivrutti Jadhav
age 40 years, occ. Agril
- 3 Suresh Nivrutti Jadhav
age 49 years, occ. Agril
r/o Infront of Burhannagar Devi Temple
Tq. & Dist. Ahmednagar
- 4 Ramdas Manjaba Tanpure
age 63 years, occ. Agril
r/o Chinchondi Patil
Tq. & Dist. Ahmednagar
- 5 Nanda Ramesh Tanpure
age 53 years, occ. Gril
r/o Shriramnagar, Shriram Chowk
Pipeline Road, Savedi
Ahmednagar

.. PETITIONERS

VERSUS

- 1 Dipali Machindra Thombre
age 27 years, occ. Agril;
- 2 Kimaya Machindra Thombre
age 33, occ. Education
- 3 Kaya Machindra Thombre
age 2, occ. Nil

(respondent no. 1 is guardian of
respondent no. 2 and 3)
Respondent no 1 to 3 r/o c/o Bapu Bhaurao Adhav
House no. 48, New Premdan HUDCO
Behind of Nobel Hospital, Savedi
Ahmednagar

- 4 Laxman Kisan Thombre

age 83, occ. Agril

- 5 Suman Kisan Thombre
ag 68 years, occ. Agril
- 6 Arun Kisan Thombre
age 37 years, occ. Agril
- 7 Bhakti Arun Thombre
(Under guardianship of Arun Kisan Thombre)
age 5, occ. Education
- 8 Ujwala Dilip Surwase
age 36 years, occ. Agril
- 9 Swati Anil Surwase
age 36 years, occ. Hh
- 10 Satyabhama @ Rajashri Sharad Shinde
age 31 years, occ. Agril
r/o marutiwadi, Bhatodi Rod,
bhatodi, Tq. & Dist. Ahmednagar
- 11 Shantabai Bansi Pawar

Respondents 5 to 9 and 11
r/o Chinchondi Patil,
Tq. & Dist. Ahmedangar

.. RESPONDENTS

Mr. V.V. Tarde, advocate for petitioners.
Mr. D.R. Markad, advocate for respondents 1 to 3.

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CORAM : S. B. SHUKRE, J.
DATE : 24th FEBRUARY, 2017.

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. Heard finally by consent of learned counsel for the respective parties.
3. On going through the impugned order as well as the nature of the

claim made under the plaint, I am of the view that the ends of justice shall be met if petitioners are permitted to file written statement by condoning delay occurred, subject to their paying substantial cost to the contesting respondents 1 to 3. Accordingly, this writ petition is allowed.

4. Impugned order is quashed and set aside. The application vide Exh. 23 is allowed and it is directed that written statement be filed on the next date of hearing fixed in the matter. This is however, subject to condition that before petitioners are allowed to file the written statement on the next date, petitioners altogether shall pay to respondents 1 to 3 through respondent no. 1, an amount of Rs. 15,000/- as cost. Payment of cost being pre-requisite, any breach of this condition shall result in dismissal of writ petition and confirming the impugned order. Rule is accordingly made absolute. The suit be disposed of within one year from the date of the order.

(S. B. SHUKRE)
JUDGE

dyb