

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

903 WRIT PETITION NO. 6019 OF 2015

THE KOPARGAON SAHAKARI SAKHAR KARKHANA LTD
THROUGH ITS MANAGIN DIRECTOR
VERSUS
CHANDRABHA LAXMAN KOPARE DIED THROUGH LRS SOPAN
LAXMAN KOPARE AND OTHERS

...

Advocate for Petitioner : Mr. R. N. Dhorde, Sr. Counsel i/b
Mr. V. R. Dhorde

Advocate for Respondent No.1A : Mr. S. B. Kadu
Advocate for Respondents No. 6,7,9,10,11 : Mr. V. N. Shelke

.....

CORAM : V. K. JADHAV, J.
DATED : 24th APRIL, 2018

PER COURT:-

1. Learned counsel for the petitioner, on instructions restricts this writ petition to the extent of costs as imposed by the trial court while disposing of the application Exh.133 and 158 in Regular Civil Suit No. 220 of 1991.

2. So far as application Exh.133 is concerned, the petitioner / original defendant No.13 filed the aforesaid application Exh.133 to grant permission to cross-examine the witness. The trial court by order dated 31.03.2015 allowed application Exh.133 and permitted the petitioner /original defendant No.13 to cross-

examine the plaintiff after depositing costs of Rs.5,000/-, out of which Rs.4,000/- be given to the plaintiff and remaining amount be given to DALSA. Similarly, while disposing of application Exh.158, wherein the present petitioner has prayed for referring the issue to the Tenancy Court, imposed the costs of Rs.10,000/- and further directed that the costs be credited to DALSA.

3. In view of above, since the petitioner restricts this petition to the extent of costs imposed by the trial court, this petition can be disposed of with modification in the amount of costs as directed by the trial court with certain directions to dispose of the pending suit in expeditious manner. The petitioner, now has not disputed the referring of the issue to the tenancy court, since during the pendency of this writ petition, Tenancy Court by order dated 18th July, 2017 has declared that the original plaintiff as agriculturist. Hence, I proceed to pass the following order.

ORDER

- I) Writ petition is hereby partly allowed.
- II) The order passed below Exh.133 dated 31.03.2015 passed by the Joint Civil Judge, Junior

Division, Kopargaon in R.C.S. No. 220 of 1991 is hereby modified to the extent that petitioner /original defendant no.13 is permitted to cross-examine the plaintiff after depositing costs of Rs.4,000/- to be paid to the original plaintiff.

- III) The order passed below Exh.158 dated 09/06/2015 by Joint Civil Judge, Junior Division, Kopargaon in R.C.S. No. 220 of 1991 is also modified to the tune of Rs.5,000/-. If any amount of costs is already deposited, the same shall be adjusted as per the order modified as aforesaid.
- IV) Since the suit is of year 1991, the trial court is directed to dispose of the suit as expeditiously as possible preferably within a period of nine months from today.
- V) Writ petition is accordingly disposed of.

(V. K. JADHAV, J.)

vsm/