

Mr. Kalpesh U. Patil for Petitioners.
Mr. Ameet A. Palkar for Respondent.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 24, 2018

Heard Mr. Patil, learned Counsel for petitioners and Mr. Palkar, learned Counsel for respondent at length.

2. By this Petition under Article 227 of the Constitution of India, petitioners, hereinafter referred to as 'defendants', have challenged the judgment and order dated 02.03.2017 passed by the learned Joint Civil Judge, Junior Division, Karad below exhibit-27 in Regular Civil Suit No.281 of 2016. By that order, the learned trial Judge rejected the application filed by the defendants for setting aside No W.S. Order dated 14.09.2016. Rule. Mr. Palkar waives service for respondent. At the request and by consent of the parties, Rule is made returnable forthwith and the Petition is taken up for final hearing.

3. Mr. Palkar submitted that he has instructions to consent for setting aside the impugned order subject to payment of cost of Rs.50,000/-. Mr. Patil submitted that cost of Rs.50,000/- is highly exorbitant. Mr. Palkar, therefore, left it to the Court for directing the defendants to pay reasonable cost.

4. In view thereof, by consent of the parties, impugned order is set aside subject to defendants depositing cost of Rs.5,000/- in the trial Court within two weeks from today under intimation in writing to the plaintiff's Advocate. Upon deposit, respondent-plaintiff is permitted to withdraw that amount unconditionally. It is made clear that in case the defendants do not deposit the amount within the stipulated time, the impugned order shall stand revived without further reference to the Court. Rule is made absolute accordingly.

5. Parties to act on the authenticated copy of this order.

(R. G. KETKAR, J.)

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