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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6024 OF 2018

Jaywant B. Shinde & Anr.	...Petitioners
V/s.	
The Tehsildar, Koregaon & Ors.	...Respondents

Mr.V.S. Talkute for the Petitioners.

Mr.R.P. Kadam, A.G.P. for the State – Respondent Nos.1 and 2.

Mr.Nikhil Wadekar I/b Mr.Nandu Pawar for the Respondent Nos.3 to 6 and 14.

CORAM : R.D. DHANUKA, J.
DATE : 12TH SEPTEMBER, 2018.

P.C. :-

1. Heard the learned counsel for the parties. By this petition filed under under Article 227 of the Constitution of India, the petitioner has impugned the order dated 6th April, 2018 passed by the learned Trial Judge closing the evidence of the petitioners (original plaintiffs), who did not appear inspite of the opportunities given by the learned Trial Judge. Similar order was passed by the learned Trial Judge in the past also.

2. Mr.Talkute, learned counsel appearing for the petitioners undertakes that his client will not ask for any unnecessary adjournment and will keep his witnesses available as and when the

dates are fixed by the learned Trial Judge. The undertaking is accepted.

3. The suit is of the year 2000 and there is already an inordinate delay in disposal of the said suit. Learned counsel states that the number of witnesses proposed to be examined by his client have been substantially reduced and that his clients will co-operate with the opponent and to the learned Trial Judge in disposal of the said suit expeditiously. The undertaking is accepted.

4. The impugned order dated 9th March, 2018 passed by the learned Trial Judge is accordingly set aside. The plaintiffs shall be permitted to lead evidence. The list of witnesses shall be furnished to the defendants as well as before the learned Trial Court within one week from today. Learned Trial Judge shall allow the petitioners to lead evidence upon the petitioners paying a costs of Rs.25,000/- to the defendant nos.3 to 6 and 14 within two weeks from today as a condition precedent for allowing the plaintiffs to lead evidence before the learned Trial Judge. It is made clear that if the amount of costs is not paid within two weeks from today, the order passed by the learned Trial Judge on 6th April, 2018 to stand restored. Learned Trial Judge shall not grant any further indulgence to the plaintiffs or their advocate during the course of conduct of trial.

5. The writ petition is accordingly disposed of in aforesaid terms.

Vasant
Anandrao
Idhol

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Vasant Anandrao Idhol
Date: 2018.09.12
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(R.D. DHANUKA, J.)