

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 417 OF 2019

Shri Ashok Gangaram Ranglani
Age – 66 years, Occu – Agri. & Business
R/o – 6 Shivram Nagar, in front of
Collector Bunglow, Jalgaon,
Tq. and Dist. Jalgaon

.. Petitioner
(Orig. Plaintiff)

Versus

Shri Amrish Ishwarlal Jain
Age – 46 years, Occu – Business
R/o – 169, Balaji Peth, Jalgaon,
Tq. & Dist. - Jalgaon

.. Respondent
(Orig. Defendant)

...
Mr. P.S. Gaikwad, Advocate h/f. Mr. A.G. Talhar, Advocate for
petitioner
Mr. Ameya Sabnis, Advocate h/f. Mr. S.R. Vakil, Advocate for
respondent
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 14-01-2019

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith.
2. Heard learned counsel for parties finally, by consent.
3. It appears to be contention on behalf of petitioner that his counsel had not been well on the scheduled dates and, thus, there had been lapses in properly prosecuting the matter. This aspect had not been relied on by the court, same having not been supported by any document.

4. Perused the impugned order. It appears that interest of justice can be met with by balancing the situation by awarding costs having regard to the observations in the impugned order.

5. Looking at that, application to aside 'evidence close' order has been rejected, as observed above, the situation can be balanced by awarding costs of Rs.7,500/- (Rs. Seven Thousand Five Hundred).

6. As such, writ petition is allowed. The impugned order is set aside. Application Exhibit – 184 in Special Civil Suit no. 218 of 2004 is allowed, subject to payment of costs of Rs. 7,500/-. Costs be deposited within a period of two weeks from the date of receipt of writ of this order for onward disbursement to defendant. Special Civil Suit no. 218 of 2004 to proceed with expeditiously.

7. Rule made absolute accordingly.

[SUNIL P. DESHMUKH]
JUDGE

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