

WRIT PETITION NO. 8371 OF 2018

Mr. Bhushan Deshmukh a/w. Ms. Prachi Dhanani I/b Veritas
Legal for the petitioners.
Mr. J. P. Kharge for respondent No. 1.

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P.C. :-

2] Mr. Kharge, Learned counsel for respondent No.1 (original plaintiff), on the basis of instructions from Mr. Harishchandra Shankar Kumbharkar, makes a statement that, respondent No.1 will have no objection if the impugned orders dated 03/02/2016, 29/08/2016 and 04/07/2018 are set aside subject to payment of costs in favour of Tata Memorial Cancer Hospital, at Kharghar.

3] The fair approach of Mr. Harishchandra Shankar Kumbharkar, who is present in the Court is indeed commendable. Initially, when this Court suggest that costs must be paid to the respondent No.1, he politely declined and stated that the costs may be paid towards charity. This rare gesture deserves appreciation and therefore is appreciated.

4] The impugned orders as aforesaid are set aside, in view of the consent granted by the respondent No.1 (original plaintiff).

5] Written Statement already filed by the petitioner is directed to be taken on record. Special Civil Suit No. 619 of 2011 is directed to be disposed of as expeditiously as possible and in any case before 31st December, 2019. All parties to co-operate in the matter of expeditiously disposal of the suit, in particular the petitioners to co-operate and not to seek any unnecessary adjournment in the matter.

6] The aforesaid relief is subject to the petitioner paying costs of Rs. 50,000/- in favour of Tata Memorial Cancer Hospital at Kharghar, which petitioner has agreed to pay within a period of one week from today.

7] The stay on the proceeding is now vacated. The parties to appear before the Learned Trial Judge

on 15th April, 2019 and file an authenticated copy of this order on the said date. The petitioner to file receipt / bank details regarding payment of Rs. 50,000/- in favour the aforesaid hospital. If the costs are not paid within one week from today, this petition shall deemed to have been dismissed with costs of Rs. 50,000/- payable to respondent No.1.

8] The petition is disposed of in the aforesaid terms.

9] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)