

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

928 WRIT PETITION NO. 8390 OF 2019

VIJAYKUMAR S/O DNYANOBA WAGHMODE AND OTHERS
VERSUS
SOW. KAMALBAI W/O GUNDERAO LAUTE

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Advocate for Petitioners : Mr. Venjane Tukaram M.
Advocate for Respondent-sole : Mr. Suryawanshi Prashant D.

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CORAM : V. K. JADHAV, J.
DATED : 25th FEBRUARY, 2020

PER COURT:-

1. By consent, this Writ Petition can be disposed off. It appears that the application filed by the petitioners Exhibit 216 came to be allowed by the trial court by order dated 25.03.2019 with certain conditions. Thereafter, the petitioners filed application Exhibit 218 seeking leave to adduce the evidence in terms of the order passed below Exhibit 216. However, it appears that since the petitioners have not followed the conditions put by the trial court while allowing application Exhibit 216, the trial court by the impugned order dated 04.06.2019 has rejected the application Exhibit 218.

2. In terms of the order passed by this Court, the petitioners have deposited the amount of Rs.20,000/- before the trial court. In view of the same, the following order is passed:

ORDER

- I. The impugned order dated 04.06.2019 passed below Exhibit 218 in Regular Civil Suit No. 78 of 2011 is hereby set aside.
 - II. The application Exhibit 218 is allowed subject to costs of Rs.20,000/- to be paid to the respondent/plaintiff. The costs amount is already deposited before the trial court. The same shall be paid to the respondent/plaintiff.
 - III. The petitioners/defendants shall file affidavits of all the witnesses as per the application Exhibit 216 on the first date of hearing as fixed by the trial court and lead the evidence on the said date itself.
 - IV. The Writ Petition is accordingly disposed off.
3. The respondent/plaintiff is at liberty to file an application for expeditious disposal of the suit and upon filing such application, the trial court may consider the same.

(V. K. JADHAV, J.)

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