

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 46 OF 2020

AND

LETTER O.W.NO. 03 OF 2020

IN

WRIT PETITION NO.4309 OF 2014(D)

(SAU. SUJATA W/O. JAYWANT KAWALKAR..VS.. HON.3RD JT. CIVIL JUDGE JD. NAGPUR & OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Sachin Satarpawar, Advocate for Petitioner.

CORAM : Z.A.HAQ AND
S.M.MODAK, JJ.

DATED : JANUARY 29, 2020.

Seen the letter dated 1st January 2020 sent by
learned trial Judge.

Accepting the explanation given in the letter, time
to decide the civil suit is extended till 27th April 2020.

The Civil Application is **disposed** accordingly.

The learned Advocate for the original plaintiff has
pointed out certain orders passed by the trial Court and has
submitted that the defendants are protracting the matter. In
the communication dated 16th February 2019, the conduct of
the defendants and their Advocate is also noted by the
learned trial Judge. In the order dated 16th January 2020
passed by the learned trial Judge it is recorded that according
to the defendants the proceedings before the learned trial
Judge are void after the period stipulated by the Court for
deciding the civil suit expired.

Though none appears for the original defendants, relying on the contents of the letter dated 1st January 2020 and the letter dated 16th February 2019 sent by the learned trial Judge and after noting the contents of the order passed by the learned trial Judge on 16th January 2020, we deprecate the conduct of the defendants.

It is directed that the trial Court shall take up the matter on day to day basis and if the defendants continue with such conduct, the trial Court should impose exemplary costs, may be, Rupees One Thousand per day for each adjournment sought by the defendants.

JUDGE

JUDGE

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