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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 10341 OF 2019

NAGARPANCHYAT MADHA AND ANR PETITIONERS

V/s.

BHAGYASHREE G. GHOLAP RESPONDENT

Mr. Pandit Kasar for the Petitioners

CORAM : NITIN W. SAMBRE, J.

DATE: FEBRUARY 18, 2022.

P.C.:

1) Though served, none appears for Respondent. I am informed by the learned counsel for the Petitioner-Defendant to R.C.S. No. 38/2017 pending on the file of 2nd Jt. Civil Judge Junior Division, Madha that the trial in the Suit is yet to commence as the issues are not framed.

2) He would claim that if permitted, he shall be filing written statement within period of two weeks from today without any further delay and shall cooperate in expeditious disposal of the suit as the

same is pending for last more than 5 years. Having regard to the same and in view of reasons narrated, Order impugned dated 28/08/2017 is hereby quashed and set aside subject to payment of cost of Rs. 5000/- deposited before the Trial Court to which Plaintiff shall be entitled to withdraw. Petitioner shall be at liberty to tender his written statement.

3) If written statement is not tendered or the cost is not deposited, the Trial Court shall proceed ahead with the Suit without written statement.

4) Petition stands disposed of in the above terms.

[NITIN W. SAMBRE, J.]