

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.919 OF 2022

Digitally
signed by
BALAJI
GOVINDRAO
PANCHAL
Date:
2022.02.01
10:14:36
+0530

Smt. Sarubai Baburao Tidke

..Petitioner

Versus

Shri. Khanderao Shankar Jadhav

(Since deceased through his LRs)

Shri. Ashok Khanderao Jadhav and Ors.

..Respondents

Mr. Pramod N. Joshi, for the Petitioner.

Mr. Sachin S. Gite, for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 31st JANUARY, 2022

PC.

1. By consent, impugned order passed below Exh.124 passed by 2nd Joint Civil Judge Senior Division, Niphad, District Nashik on 7th January, 2022 is quashed and set aside.

2. Application Exh.124 is allowed subject to payment of cost of Rs.10,000/- to be deposited in the Court below within a period of two weeks from today, to which the plaintiffs shall be entitled to withdraw.

3. The petitioner is permitted to place on record written statement within a period of two weeks from today i.e. along with payment of cost. If the aforesaid order is not complied with within

the time stipulated, the petition shall be deemed to have been dismissed and the Trial Court shall proceed ahead with the matter presuming that the order impugned is not interfered with.

4. Needless to clarify that the statement made by the counsel for the petitioner that the suit can be expedited and no adjournment in the suit will be taken is accepted as an undertaking to this Court.

5. As the suit is ten years old, hearing of the same is expedited and shall be decided within one year from today.

6. Petition stands allowed in the above terms.

[NITIN W. SAMBRE, J.]