

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5543 OF 2018

Pralhad Gulabrao Kakade

.. Petitioner

Versus

Shrirang Ravaso Kakade & Ors.

.. Respondents

WITH

WRIT PETITION NO. 5647 OF 2018

Sulochanabai Namdeo Kakade & Anr.

.. Petitioners

Versus

Shrirang Ravaso Kakade & Ors.

.. Respondents

-
- Mr. Paras Yadav i/by Mr. Rupesh A. Zade for Petitioner in WP/5543/2018
 - Mr. Shekhar Katkar i/by Ms. Manisha Devkar for Respondents
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CORAM : MILIND N. JADHAV, J.

DATE : NOVEMBER 29, 2022

P.C.:

1. Heard.
2. On 22.03.2022, this Court passed the following order:-

- “1. Heard.
2. Office objections be removed within one week.
3. In both the cases, it is alleged that Defendants are proceeded without Written Statement as they have not tendered their Written Statement within the prescribed limit of 30 days and extended period of 90 days.
4. Contention is, delay of about 50 days in moving the Court below for placing on record Written Statement is bonafide.
5. Considering nature of challenge in the suit, in response to the Court’s query, both the defendants are directed to show their bonafide by depositing an amount of Rs 10,000/- in the Court below within two weeks.
6. Issue notice to Respondents for final disposal, returnable on 19/4/2022.”

3. Pursuant thereto, Petitioners have deposited the amount as directed by this Court in the Trial Court. The impugned orders passed below Exh. 27 and Exh. 24 both dated 07.09.2017 stand set aside. The delay of 58 days and 87 days in respect of both the Petitions stands condoned.

4. Written statements shall be taken on record by the Trial Court.

5. At the joint request of the parties, R.C.S. No. 72/2016 is expedited. Learned Trial Court shall make an endeavor to dispose of the same finally within a period of 12 months from today.

6. It is clarified that amount of Rs. 20,000/- deposited by Petitioners in the Trial Court shall be transferred to Maharashtra State Legal Services Authority within a period of two weeks from the date of this order.

7. In view of the above, both the petitions are disposed of.

[MILIND N. JADHAV, J.]

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