

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

WRIT PETITION No. 6096 OF 2022

VAISHALI
ANIL
TIKAM

Dr. Shri Kiran Dadaso Salunkhe

...Petitioner

Vs.

Dr. Shri Anil Dinkar Huddear

and Ors.

...Respondents

Digitally signed
by VAISHALI
ANIL TIKAM
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**Mr. Vikas Kolekar i/b. Amruta D. Devkat for Petitioner
Mr. Prajakt M. Arjunwadkar for Respondent No.1**

Coram : Sandeep K. Shinde, J.

Dated: 22nd August, 2022.

P.C. :

1. The Learned Second Joint Civil Judge, Senior Division, Sangli vide order dated 29th August, 2017 below Exhibit '41' in Special Civil Suit No. 66/2016 set aside '*No WS*', order subject to Defendant No.6- Petitioner, pays cost of Rs.1,000/- to the Plaintiff. Approximately after ten months, on 8th June, 2018, Petitioner- Defendant No.6, moved an application, requesting the Trial Court to permit him to deposit the cost. That application was rejected vide order dated 8th June, 2018. Felling aggrieved thereby, Petitioner – Defendant No.6 has preferred this writ petition.

2. Heard Mr. Kolekar, learned counsel for the Petitioner and Mr. Prajakt Arjunwadkar, learned counsel for the Respondent- Plaintiff.

3. Mr. Arjunwadkar has pointed out that the Petitioner has not sought the relief to set aside the '*No WS*' order and the only challenge before this Court is the order refusing permission to deposit the cost.

4. Be that as it may, in consideration of the facts of the case, I deem it appropriate to permit and allow the Petitioner - Defendant No.6 to file the written statement within two weeks from today subject to cost of Rs.10,000/- to be paid to the Plaintiff by Demand draft. on or before 5th September, 2022. In case, the Petitioner does not pay the cost and/or present the written statement within the stipulated period, this order shall stand recalled without further reference to this Court and in consequence, petition to stand dismissed.

5. Writ Petition is disposed of in the aforesaid terms.

(Sandeep K. Shinde, J.)