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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11567 OF 2022

Govind Vishnu DeodharPetitioner

V/s.

Sunil Maruti Aaldar and anr.Respondents

Mr.Vijay Killedar, Advocate for the Petitioner

CORAM : SANDEEP K. SHINDE, J.

MONDAY, 3RD OCTOBER, 2022.

P.C. :

1. Heard Mr. Killedar, learned counsel for the Petitioner.

2. Petitioner is the Defendant in the Special Civil Suit No. 14/2013 pending in the Court of Civil Judge, Senior Division at Sangli. On 15th June, 2022, the Learned Trial Court, subject to cost of Rs.5,000/- set aside the 'No Evidence' Order passed against the Petitioner. The cost was deposited in the Court on 11th July, 2022, is evident from receipt at page 50 of the Petition. The learned Trial Court inadvertently overlooked this fact. In any case when the suit was listed, on 15th July, 2022, adjournment was sought by the Petitioner because the flood like situation in the State. However, adjournment was refused.

As a consequence, the affidavit of evidence of the Defendant was struck down from the record. Feeling aggrieved by the said order, Petitioner is before this Court.

3. Mr. Govind Vishnu Deodhar is present in the Court. He assures that henceforth he shall diligently attend the proceedings in Special Suit No. 14 of 2013, unless prevented by exceptional and extraordinary circumstances beyond his control. In view of the assurance, the order striking out the affidavit of evidence of the Petitioner- Defendant, in Special Civil Suit No. 14/2013 pending on the file of Civil Judge, Senior Division, Sangli is quashed and set aside. As a consequence Affidavit of evidence of Petitioner is restored to file.

4. Petition is partly allowed and disposed of in the aforesaid Terms.

(SANDEEP K. SHINDE, J.)