

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8903 OF 2019

Komal @ Kajal Duryodhan Jadhav .. Petitioner

Versus

Duryodhan Dadu Jadhav and Ors. .. Respondents

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- Mr. Anilkumar K. Patil, Advocate for Petitioner
- Mr. Kuldeep U. Nikam, Advocate for Respondent Nos. 3, 7 to 9

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CORAM : MILIND N. JADHAV, J.

DATE : FEBRUARY 21, 2023.

P.C.:

1. The present Writ Petition takes exception to the three orders viz:
 - i. Order passed below Exh.75 in R.C.S. No. 62 of 2011 dated 03.01.2019 at page No. 42 of the Writ Petition whereby the said Application for setting aside the order of no WS and ex-parte order has been set aside subject to payment of cost of Rs.1,000/- to the Plaintiff;
 - ii. Order passed below Exh.83 dated 25.03.2019 at page No.50 of the Writ Petition whereby the learned Trial Court allowed the application for considering the delay on the part of the Defendants to pay the cost, awarded by the above order and directed Defendants to pay costs of Rs.500/- to the Legal Aid fund and

iii. Order passed below Exh.82 dated 25.03.2019 at page No. 53 of the Writ Petition, rejecting the application which was filed by Plaintiff for invocation of criminal action against the person who had appended his signature on the Vakalatnama at Exh.38.

2. The suit proceedings being R.C.S. No. 62 of 2011 have remained pending since long. In so far as orders passed below Exh.75 and 83 are concerned it is seen that they are reasoned orders and in that view of the matter no interference is called for therein.

3. In respect of order passed below Exh.82 is concerned, it is seen that the application made therein is premature and any such criminal action can be invoked subject to the final decision in the suit. Liberty to that extent is always available to the Plaintiff to file appropriate proceedings in the appropriate Court of law.

4. Mr. Nikam in his usual fairness has taken me through the impugned orders and urged to uphold them, except the order passed below Exh.82.

5. After considering all 3 orders, I do not find any reason to interfere as the same have been passed after hearing the parties and give reasons and adequate findings.

6. At the joint request of both the learned Advocates, the learned

Trial Court is requested by this Court to dispose of R.C.S. No. 62 of 2011 within a period of 8 months from today.

7. Writ Petition is disposed.

[MILIND N. JADHAV, J.]

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