

Ganesh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 3896 OF 2023**

|                               |                |
|-------------------------------|----------------|
| Santosh Dnyanoba Taware & Ors | ...Petitioners |
| <i>Versus</i>                 |                |
| Rajendra Dagdu Vable          | ...Respondent  |

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**Mr Sushant S Prabhune, for the Petitioners (VC).**  
**Mr Prasad Avhad, i/b Chetan Nagare, for the Respondent.**

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**CORAM   Kamal Khata, J.**  
**DATED:   10th April 2024**

**PC:-**

1.    The Petition challenges the order disallowing the written statement that was permitted to be filed subject to payment of costs in the sum of ₹ 1,000/-. The Petitioners are willing to pay the cost of Rs.15,000/- to the Respondent. That shall be paid to the Respondent on or before 15th April 2024. The Respondent has no objection to permit filing of the written statement if costs are paid.
  
2.    Heard the Petitioner's Advocate and perused the reasons stated in the Petition. I am inclined to pass the following order:
  - i.    The Petition is made absolute in terms of prayer clause (a);

ii. The written statement shall be filed and served on or before 15th April 2024;

iii. Failure to file and serve the written statement or failure to pay the cost to the Respondent by 15th April 2024, shall revive the impugned order dated 20th February 2023 without further reference to this Court.

3. In the event, the written statement is filed and served and the costs paid to the Respondent, the trial Court may hear the Suit as expeditiously as possible. The stay on the Suit is accordingly removed.

4. The Respondent shall furnish the bank account details to the Petitioner by the end of the day tomorrow. The Petitioner shall deposit the cost of Rs. 15,000/- through NEFT/or any online mode in the bank account of the Respondent and communicate the same to the Respondent by email/sms. The Petitioner's Advocate shall communicate to the Registry about the compliance of the order.

5. Petition is disposed of in the above terms.

**(Kamal Khata, J)**

Digitally  
signed by  
GANESH  
SUBHASH  
LOKHANDE  
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