



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 WRIT PETITION NO. 12836 OF 2024

PRASHANT AMBADAS BHANDARE
VERSUS
SHRIMANT ABHIMAN YADAV AND ANOTHER

Mr. B. S. Kudale, Advocate for the petitioner

CORAM : R. M. JOSHI, J.

DATE : 3rd FEBRUARY, 2025

PER COURT :-

1. None present for the respondents. In spite of service of notice this indicates that respondents are no inclination to oppose the petition. This inference is inevitable in view of the fact that actually respondent/plaintiff had sought cost for allowing the application to permit written statement of defendant no.2 to be taken on record.
2. Learned counsel for the petitioner/defendant no.2 makes statement that the stage of proceeding in R.C.S. No. 606/2024 for recording evidence and the plaintiff has filed his affidavit in lieu of examination in chief. He is yet to be cross-examined. This statement made by learned counsel for the petitioner is accepted.
3. Considering the reasons mentioned in the application and also in view of the fact that the plaintiff did not seek out right dismissal of the

said application, the same deserves to be allowed subject to payment of cost of Rs.10,000/- by the defendant no.2 to the plaintiff. Cost be paid before the next date of hearing in the Trial Court. The payment of cost is precondition to take the defendant no.2's written statement on record.

4. In view of above discussion impugned order is set aside. Application (Exhibit 79) filed before Trial Court stands allowed subject to payment of cost as indicated above.

5. Petition stands allowed in above terms.

(R. M. JOSHI, J.)

ssp