



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7682 OF 2025

DEVRAO LAXMAN BOINWAD AND ANOTHER
VERSUS
DHARMENDRA ABHAYKUMAR PANDE

...
Mr. Pratap Pravin Mandlik, Advocate for the Petitioners.
...

**CORAM : S. G. CHAPALGAONKAR, J.
DATED : 01st JULY, 2025.**

P.C.:-

1. Heard Mr. Mandlik, learned Advocate appearing for petitioners.
2. The petitioners are defendants in Regular Civil Suit No.16/2023 pending before Civil Judge Junior Division at Dharmabad. The petitioners were served with suit summons on 29.03.2023. However, could not file written statement. Eventually, no written statement order was passed. Thereafter, petitioners moved application for setting aside no written statement order after about one and half year. The learned Trial Court allowed said application. However, imposed cost of Rs.50,000/- to each of defendants.
3. Mr. Mandlik, learned Advocate appearing for petitioners submits that petitioners are poor agriculturists. Although their application for setting aside no written statement order is allowed,

exorbitant cost is imposed that needs to be modified by imposing moderate cost.

4. Perusal of impugned order shows that plaintiff was protected under order of injunction in relation to suit property and petitioners/defendants were restrained from entering into suit land. In wake of such injunction order, defendants entered into land and destroyed plaintiff's crop. Thereafter, police protection was granted in favour of plaintiff. However, at this stage also, there was resistance from petitioners. Accordingly, offences have been registered. The learned Trial Court observed that petitioners instead of taking recourse of law, watched to the proceeding from outside and present application is filed for setting aside no written statement order after inordinate delay. The reasons as stated by Trial Court justifies the cost imposed as well as this Court do not find any merit in Writ Petition. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE