



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

934 WRIT PETITION NO. 975 OF 2024

Vinod Gajanan Siddhbhatti
Age 65 yrs. Occ. Retired
r/o Agrawal Comlex,
Bashirganj, Beed, Tq. Dist. Beed
At present A-806, Gagan Residency,
Behind Dharmavat Petrol Pump,
Pisoli, Dist. Pune

...Petitioner

VERSUS

Kadu Suraybhan Pardhi
Deceased Through LR's
1-A] Purushottam S/o. Kadu pardhi
Age major, Occu. Labour,
1-B] Ramdas S/o. Kadu Pardhi
Age major, occu. Agril,
1-C] Devidas s/o. Kadu Pardhi
Age major, occu. Agril,
All R/o. Sule, Tq. Muktainagar Dist. Jalgaon

2. Chandrabhaga w/o Manik Pawar
Age 66 yrs., Occ. Agril.
3. Padmakar S/o. Manik Pawar
Age : 46 yrs., Occ. Agril
4. Bhagwat S/o. Bhika Pawar
Age : 64 yrs., Occ Agril

(Respondent No.2 to 4
R/o: Pimpri Gauri, Tq. Gautala,
Dist. Buldhana

5. The Talathi,
At Vadoda, Tq. Muktaingar
Dist. Jalgaon
6. The Tahsildar
Tq. Muktainagar

Dist. Jalgaon.

7. Sub Divisional Magistrate
Bhusawal Division,
Tq. Bhusawal, Dist. Jalgaon

8. The Collector,
Jalgaon.

...Respondents

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Mr. Subhash S. Nade, Advocate for the Petitioner

Mr. N. D. Raje, AGP for Respondent Nos. 5 to 8.

Ms. Pallavi M. Gawande h/f. Mr.V. B. Patil, Advocate for Respondent
Nos.1a to 1c, 2 to 4

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CORAM : ROHIT W. JOSHI, J.

DATE : 7th AUGUST, 2025

ORAL JUDGMENT:

1. The present petition takes exception to order dated 13.10.2023 passed by the learned Joint Civil Judge, Senior Division, Bhusawal on application at 'Exhibit 39' in Special Civil Suit No.58 of 2018 whereby order dated 05.04.2019 to proceed without written statement passed against respondent nos.2 to 4 and order dated 16.09.2019 to proceed ex parte against respondent no.1 is recalled by the learned Trial Court.

2. The learned Counsel for the petitioner states that despite being duly served in the Civil Suit, the respondents did not contest the matter diligently and have thereafter filed the application at 'Exhibit 39' after a period of more than four years and three months from the date of order dated 05.04.2019 and three years and ten months from the date of order dated 16.09.2019. He contends that no plausible explanation is offered by respondents, the learned Trial Court has allowed the application. He contends that serious prejudice is caused to the petitioner/original plaintiff in view of such order passed by the learned

Trial Court. It appears that the suit is filed in the year 2018 and it is still pending. On an enquiry from the learned Counsel for the petitioner it is informed that Affidavit-in-lieu-of-Examination-in-Chief is not yet filed by the petitioner/plaintiff. As such, there is no substantial progress in the suit although it is pending for long. Having regard to the aforesaid, this Court does not deem it appropriate to interfere with the discretion exercised by the learned Trial Court, however it must also be stated that there is a delay of around four years in filing the application. The learned Trial Court has imposed cost of Rs.1,000/- on respondent no.1 and Rs.500/- each on respondent nos.2 to 4 which is grossly inadequate having regard to the delay. The cost imposed by the learned Trial Court is required to be enhanced. Legal representatives of respondent no.1 shall pay additional cost of Rs.1,500/- and respondent nos.2 to 4 shall pay additional cost of Rs.2000/- each to the petitioner. The cost of Rs.2,500/- awarded by the learned Trial Court is thus enhanced to Rs.10,000/-.

3. The petition is **partly allowed**, accordingly by, enhancing the cost as aforesaid. The enhanced cost be paid on or before 04.09.2025.
4. At this stage, the learned Counsel for the petitioner makes a request to issue directions to the learned Trial Court to decide the suit in a stipulated time framed.
5. Having regard to the fact that the suit is filed in the year 2018, the Trial Court is directed to decide the suit expeditiously and in any case on or before 31.08.2026.

[ROHIT W. JOSHI J.]