



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.11605 OF 2022**

SHAKUNTALABAI PANDURANG AYAREKAR SINCE  
DECEASED THROUGH LRS SHRIKANT PANDURANG  
AYAREKAR AND OTHERS  
VERSUS  
PURUSHOTTAM KRUSHNAJI ODHEKAR DECEASED  
THROUGH LRS MEENA KRUSHNAJI ODHEKAR AND  
ANOTHER

...  
Mr. S. H. Tripathi, Advocate for the Petitioners.  
...

**CORAM : SANDEEP V. MARNE, J.  
DATED : 23<sup>rd</sup> NOVEMBER, 2022.**

**PER COURT:-**

1. Heard.
2. By order dated 29.04.2016, defendant's application to place on record her written statement was allowed subject to payment of costs of Rs.100/-. It appears that, the written statement has been filed and taken on record, however, defendant did not pay costs. Later she expired and the suit was directed to proceed on the basis of statement made by plaintiff that defendant does not have any legal heirs. The plaintiffs thereafter filed application on 20.10.2021 for removal of written statement of defendant from record on the ground of non-payment of costs. By order dated 20.10.2021, the application was allowed and the written statement was discarded.
3. Later legal heirs of defendant appeared and sought to bring them on record by setting aside order of abatement against defendant, that application was rejected and the same is subject matter of Writ Petition No.5861/2022 which is pending.



4. The legal heirs (petitioners) thereafter filed application on 29.11.2021 to permit them to deposit the costs, that application has been rejected by order dated 24.03.2022.

5. In this petition, both the orders dated 20.10.2021 and 24.03.2022 are challenged. The proceedings in the suit have already been stayed by order dated 09.06.2022 passed in Writ Petition No.5861/2022.

6. Issue notice to respondents, returnable on 21.12.2022 when Writ Petition No.5861/2022 is due. List both the petitions together on 21.12.2022.

**(SANDEEP V. MARNE)**  
**JUDGE**