

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

WRIT PETITION NO.10667 OF 2015

Jijaba s/o Ashruba Funde & others ... PETITIONERS

VERSUS

Rajaram Ashruba Phunde & others ... RESPONDENTS

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Shri S.S. Patunkar, Advocate for petitioners
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CORAM: SUNIL P. DESHMUKH, J.

DATED: 28th October, 2015.

ORAL ORDER :

1. After hearing the learned counsel for the petitioner, it emerges that, on 1/3/2011 the plaint had been amended within prescribed period of time under the relevant rules. No amended written statement had been filed nor any application had been moved for that purpose. Thereafter the matter appears to have been proceeded with. Considerable progress in trial had been made. While evidence of the plaintiff was in progress, the defendants have applied for adjournments for cross-examination

of the plaintiff/ witnesses. Plaintiff is a senior citizen.

2. It was only in 2015 an application came to be moved for setting aside the No W.S. order with vague reasons and without any particulars.

3. The trial Court, having regard to the application and the vague reasons, did not consider it appropriate to accede to the request having regard to facts and circumstances.

4. The order appears to have been passed having regard to the aforesaid situation, and it cannot be termed as not adhering to the factual position. I do not think that this is a fit case for calling for interference. The writ petition, as such, is rejected.

(SUNIL P. DESHMUKH, J.)