

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

WRIT PETITION NO.8728 OF 2015

Sou Pushpa w/o Shriram Muley,
Age 55 years, Occu. Household,
R/o House No.A/2/17, Grives Colony,
N-7, CIDCO, Aurangabad

.. Petitioner

Versus

1. Ku. Tara d/o Pandurang Jagtap,
Age 78 years, Occu. Pensioner,
R/o Flat No.16, Illrd floor
Buldg. No.13/C/16, Phase-2,
Sidharth Nagar Co-operative
Housing Society, Aundh, Pune-7
2. Sou. Sunanda w/o Ramrao Bhosale,
Age 88 years, Occu. Pensioner,
R/o Plot No.16, Katkar Colony,
New Rajarampuri, Kolhapur
3. Dr. Kavita w/o Mohan Jeshrani,
Age 75 years, Occu. Medical
Practitioner, R/o South-East,
54 Revenue, Okala Florida,
37761 - 5040, America, through
G.P.A. Respondent No.1
4. The CIDCO,
Through its Administrative Officer,
CIDCO Office, New Udyog Bhavan,
Aurangabad

.. Respondents

Mr Kiran M. Nagarkar, Advocate for petitioner

CORAM : N.W. SAMBRE, J.

DATE : 22nd December 2015

PER COURT

Heard.

2. In a suit for specific performance bearing Special Civil Suit No.220 of 2012, learned Civil Judge, Senior Division, Aurangabad by order impugned dated 13th October 2014 passed below Exh.24,

pursuant to the provisions of Order VIII of the Code of Civil Procedure, has permitted the defendant to place on record their written statement by setting aside the order of 'No W.S.' passed on 11th March 2015. Learned Counsel for the petitioner would urge that 'No W.S.' order was passed on 11th March 2015 and application for setting aside of the same came to be moved on 14th August 2014, i.e. after a period of about seventeen months and in between, the matter before the Court below was adjourned for eighteen times. According to him, the defendants-respondents ought not to have been shown any equity by learned trial Court and sought quashing of the order.

3. In my opinion, since the trial in the suit has not reached at an advanced stage and the trial Court being aware of the defaults committed by respondents-defendants, has saddled costs of Rs.3,000/-.

4. In view thereof, the discretion exercised by learned trial Court, in my opinion, does not call for any interference. As such, Writ Petition stands dismissed.

(N.W. SAMBRE, J.)

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