

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

WRIT PETITION NO. 11384 OF 2015

PRAKASH GOPINATH KADAM AND OTHERS

VERSUS

SAVITA ISHWAR DESHMUKH AND OTHERS

...

Advocate for Petitioners : Mr.M.P.Tripathi h/f Mr.Khandare N.B.

...

**CORAM : N.W.SAMBRE,J.
DATED : 27TH NOVEMBER,2015**

PER COURT :-

In Regular Civil Suit No.119/2007 the present petitioner has failed to file Written Statement as such, on 14/9/2007, No W.S. order came to be passed.

2] It is informed at bar by learned counsel for petitioner-defendant that Suit is now fixed for final hearing. According to him, opportunity should have been granted by the Court below for placing on record Written Statement as his entire defense in absence thereof will be washed away.

3] The said application for permission for placing on record Written Statement is rejected by Civil Judge, Junior Division, Kaij by order dated 9/11/2012.

4] The learned counsel in addition to above submits that he is ready and willing to pay costs in the matter.

5] It is required to be noted that after the No Written Statement order was passed in 2007, the petitioner-defendant participated in the Suit proceedings as is apparent from the language of the order impugned. No explanation whatsoever is furnished for not filing Writ Petition since 2007 till this date. Apart from above, application for filing Written Statement appears to have been decided and rejected on 9/11/2012 and the Petition is preferred after period of about 3 years, for which also there is no explanation. No case for interference is made out. Petition fails and dismissed.

(N.W.SAMBRE,J.)

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