

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO.9494 OF 2013**

**Sunil Pralhad Pol & Ors.**

**..Petitioners**

**Vs.**

**Vasant Sadashiv Gurav & ors.**

**....Respondents**

**Mr. Shrishail Sakhare for the Petitioners**

**Mr. Khateb Vakeel for the Respondent Nos.1 to 7**

**Mr. P. D. Dalvi for the Respondent Nos.8 to 17, 19 to 24, 26, 27 to 36**

**CORAM : R. M. SAVANT, J.**

**DATE : 6<sup>th</sup> JANUARY, 2015**

**P.C.**

1 The order dated 12-7-2013 passed by the Learned 7<sup>th</sup> Joint Civil Judge Junior Division, Karmala, District Solapur, rejecting the application Exhibit 169 filed by the Petitioners/Defendants for taking their Written Statement on record by setting aside the No WS order dated 13-3-2012, is taken exception to by way of the above Petition.

2 It is required to be noted that the Petitioners/Defendant Nos.32 to 35 and 38 to 40 were served with the suit summons and filed the Vakalatnama of their Advocate on 8-2-2006. However, since that time till the No WS order came to be passed on 13-3-2012, they did not take any steps to file their Written Statement. Even after the said order dated 13-3-2012, the instant application Exhibit 169 came to be filed after a year. It seems that the aforesaid Defendants are the consenting parties in so far as the Suit is concerned,

meaning thereby that they are supporting the Plaintiffs. The Trial Court having regard to the aforesaid facts did not deem it appropriate to entertain the application Exhibit 169 filed by the Defendants for setting aside the No WS order and for permitting them to file their Written Statement.

3           In my view, having regard to Order VIII Rule 1 of the Civil Procedure Code and having regard to the facts as afore stated, the impugned order passed by the Trial Court rejecting the application Exhibit 169 cannot be found fault with. No case for interference is therefore made out, the Writ Petition is accordingly dismissed.

**[R.M.SAVANT, J]**