

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9783 OF 2014

Ashok Gajanan @ Gunja Bhoir and Anr. : Petitioners.

Versus

Krishna Sitaram Bhoir and ors. : Respondents.

Mr. A P Kulkarni i/by Mr. Manoj M Badgujar for the Petitioners.

Mr. Deepak Natu i/by N Deepak & Co. for the Respondent No.1.

CORAM : R. M. SAVANT, J.

DATE : 10th February 2015

P.C.

1 The order dated 4/10/2014 passed by the learned 4th Joint Civil Judge, Junior Division, Ulhasnagar, rejecting the Applications (Exhibits 29 and 32) for setting aside the “No WS Order” and for permitting the Petitioners to file their written statement is taken exception to by way of the above Writ Petition.

2 After arguing for some time, the learned counsel for the Petitioners Shri A P Kulkarni states that the Petitioners would withdraw the said Applications (Exhibits 29 and 32) with liberty to file an Application for treating the reply to the Application (Exhibit 5) as the written statement of the Petitioners/Defendants. In view of the said statement, it is not necessary to consider the impugned order on merits. The consequences of the said statement would be that the impugned order would stand set aside with liberty

to the Petitioners/Defendants to file an application for treating the reply to the Application (Exhibit 5) as their written statement. The liberty granted by this Court as above should not be construed as any expression of opinion on the merits of the said Application. The said application to be considered by the Trial Court on its own merits and in accordance with law. It is made clear that except the application for which liberty is granted as above, no other application would be entertained by the Trial Court in respect of the written statement. With the aforesaid directions, the above Writ Petition is disposed of.

[R.M.SAVANT, J]