

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 3154 OF 2014

Smt. Gangubai W/o. Rajaram Skahare (Dead)
L Rs.

- 1) Shri Kamal S/o. Rajaram Sakhare,
aged about 50 years, Occu.: Labour,
- 2) Shri Baban S/o. Rajaram Sakhare,
aged about 47 years,

(Both are R/o. Plot No.29, Near
Budhvihar, Siddarth Nagar, Teka,
Nagpur.)

.... **PETITIONERS.**

// **VERSUS** //

Shri Ram Asare Mahipat Tatwa,
Aged 51 years, Occu.: Private
R/o. Rameshwari Road, Nagpur.

.... **RESPONDENT.**

Shri A.J. Khan, Advocate for Petitioner.
Shri N.S.Deshpande, Advocate for Respondent.

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 16, 2015.

CAW NO. 1924/2015.

For the reasons stated in the application and the fact that it is
not opposed by the respondent, inasmuch as the reply is not filed, the delay

in filing the application for bringing the legal representatives of the petitioner on the record is condoned.

The Civil Application is allowed.

CAW NO. 1925/2015.

As the application is not opposed by the respondent, inasmuch as the reply is not filed, accepting the submissions made in the application, the applicants are permitted to get themselves impleaded as petitioners.

The Civil Application is allowed.

W.P NO. 3154/2014.

ORAL JUDGMENT :

1. Heard learned advocates for the respective parties.
2. **RULE.** Rule made returnable forthwith.
3. The petitioner has challenged the order passed by the trial Court rejecting the application seeking permission to file the written statement on the record.
4. Shri N.S. Deshpande, learned advocate for the respondent, on instructions, submits that the respondent-plaintiff has no objection for permitting the petitioner-defendant to place the written statement on the record.

5. Hence, the following order :
- i) The impugned order is set aside.
 - ii) The written statement submitted by the petitioner-defendant be taken on the record.

Rule is made absolute in the above terms.

In the circumstances, the petitioner shall pay costs of Rs.One Thousand to the respondent and produce the receipt on the record of the civil suit within one month.

JUDGE

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