

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.7156 OF 2014.

(SHRADDHA INDUSTRIES PVT. LTD...VS..PARIVAR REAL ESTATE FIRM & 10 OTH.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A.HAQ, J.

DATED : SEPTEMBER 04, 2015.

Heard Shri B.G.Kulkarni, learned advocate for the petitioner and Shri M.R. Joharapur, learned advocate for the respondent No.2.

This petition is filed by the original defendant No.2 challenging the order passed by the trial Court rejecting the application (Exh.205) filed by the petitioner seeking permission to file the written statement on the record. The learned trial Judge has recorded that the order to proceed without written statement of the petitioner was passed in 2000. The petitioner has filed the present application in 2013. It is recorded that the petitioner has not given any explanation for the inordinate delay in filing the application seeking permission to file written statement on the record. It is undisputed that the evidence of the plaintiff has started.

In these facts, I see no reason to interfere with the impugned order. It cannot be said that the learned trial Judge has failed to exercise the jurisdiction vested in him or has transgressed the limits of the jurisdiction by rejecting the application filed by the petitioner.

The petition is **dismissed**. In the circumstances, the parties to bear their own costs.

As the civil suit is of the year 1998 the learned trial Judge is requested to dispose of the civil suit by 15th March, 2016.

JUDGE

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