

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

WRIT PETITION NO. 5451 OF 2016

Pravin s/o Kapoorchand Surana and another ... Petitioners
Versus

M/s. Trilok Builders and another ... Respondents

.....
Mr. S. S. Gangakhedkar, Advocate for petitioners

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CORAM : SUNIL P. DESHMUKH, J.

DATE : 18th JULY, 2016

ORDER :

1. Heard learned counsel for the petitioners for quite some time.

2. Ultimately, the discretion in favour of defendants has been exercised by trial court under impugned order dated 3rd February, 2016, letting them to file written statement by setting aside no written statement order. It further appears that lot of time had been consumed during pendency of civil revision application No. 66 of 2015 before this court, at the instance of defendants against rejection of their request to reject the plaint in pursuance to Order VII Rule 11 of the Code of Civil Procedure, 1908 during which period the suit proceedings were held in abeyance.

3. Learned counsel for petitioners submits that even after withdrawal of civil revision application No.66 of 2015 from this court, quite a lot of time had been taken for filing application for setting aside of no written statement order.

4. Be that as it may, perusal of the impugned order shows that the court has taken into account the relevant aspects and has also further having regard to quite few judgments cited on behalf of the defendants, exercised the powers in its discretion in favour of the defendants, which having regard to aforesaid circumstances, does not appear to be contravening the judicial principles.

5. In the circumstances, it does not appear to be the case wherein indulgence needs to be given to the petitioners in the discretionary powers to meddle with the order impugned.

6. Writ petition, as such, stands rejected.

(SUNIL P. DESHMUKH, J.)

sms