

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

30 WRIT PETITION NO. 4114 OF 2015

SOMINATH SONBA WAGHULE AND OTHERS
VERSUS
DHANABAI JALAMSING PARDESHI AND OTHERS

Shri. Rahul R. Karpe, Advocate, for petitioners.

Shri. N.L. Jadhav, Advocate, for respondents.

CORAM: T.V. NALAWADE, J.

DATE : 27 SEPTEMBER 2016

ORDER:

1) The petition is filed to challenge the orders made of "No WS" and "No Cross" on Exhibits 34 and 36 in Regular Civil Suit No.240/2012.

2) The suit is filed for relief of declaration of ownership and for possession. The suit was filed in the year 2012. The defendants appeared in the year 2012 itself but they did not file written statement, say etc. within the prescribed period. Accordingly 'No WS' and "No Cross" orders came to be passed.

3) In view of the nature of dispute and the submissions made this Court holds that opportunity needs to be given to the present petitioners to take decision on merits. In the result, the petition is allowed. The aforesaid orders made by the trial Court are hereby set aside. The applications filed at Exhibits 34 and 36 are allowed. Statement is made that along with application filed for setting aside "No WS" order, written statement was filed. So the written statement is to be taken on record and opportunity is to be given to the defendants to lead evidence and also to cross examine the plaintiffs and their witnesses. The trial court is to expeditiously dispose of the suit and in any case within six months from the date of receipt of the order.

Sd/-
(T.V. NALAWADE, J.)

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