

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

919 WRIT PETITION NO. 5045 OF 2015

MANAGER, TV AND MEDIA, MAHARASHTRA PVT LTD,
MUMBAI

VERSUS

ASARAM BHAURAO JADHAV AND ANOTHER

Shri. S.S. Thombre, Advocate, for petitioner.

Shri. R.D. Biradar, Advocate, for respondent No.1.

CORAM: T.V. NALAWADE, J.

DATE : 15 SEPTEMBER 2016

ORDER:

1) The proceeding is filed to challenge the order made on Exhibit 98 in Special Civil Suit No.78/2013 presently pending in the Court of the 2nd Joint Civil Judge, Senior Division, Latur. The application filed by the present petitioner, original defendant for setting aside "No WS" order and for permission to file written statement is rejected by the Court. Heard both the sides.

2) The petitioner is a company having its office at Mumbai. It is the case of the company that the company could not supply information to the power of attorney appointed by it in the present matter and due to that written statement was not filed. Delay of 294 days was caused in filing written statement. The trial Court has rejected the application by holding that due diligence was not shown.

3) The suit is filed for recovery of Rs. Ten lakh as compensation in respect of so called defamation made of the plaintiff by the present petitioner. In view of nature of claim, this Court holds that opportunity needs to be given to the present petitioner to defend the matter by filing written statement. Submission was made that along with the aforesaid application, written statement was filed. The respondent No.1 is required to spend on the present proceeding and already some time is also consumed. In view of these circumstances, this Court holds that subject to payment of cost of Rs.15,000/- (Rupees Fifteen Thousand Only) permission needs to be granted to file written statement.

4) In the result, the petition is allowed. The order made by the learned Civil Judge, Senior Division, Latur on Exhibit 98 is hereby set aside. The application is allowed. "No WS" order is set aside and permission is granted to file written statement subject to payment of cost of Rs.15,000/- (Rupees Fifteen Thousand Only) in the trial Court. If the cost is not deposited within 30 days from today it is to be presumed that the present petition is dismissed. The suit is to be decided expeditiously within six months from today.

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

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