

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION**

**WRIT PETITION NO.1939 OF 2015**

M/s. Astute Engineering Services Private Limited ..... Petitioners

Versus

State of Maharashtra and Ors. .... Respondents

...

Mr. C. B. Kher i/b. Ms. Shamika Ranade for the petitioners.

None for the respondents.

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***CORAM : N. M. Jamdar, J.  
Tuesday 23 August, 2016***

**P. C.**

. The petitioner challenges the order dated 10 December, 2014, allowing application below Exh.50 condoning the delay of 56 days in filing the written statement subject to payment of costs.

2. The learned counsel for the petitioners submitted that having once rejected the extension of time filing written statement present order could not have been passed. I perused the earlier order dated 4 September, 2014 by which the time stated to have not been granted, that order was of 4 September, 2014. In fact the perusal of the orders shows that reasons given are contradictory. The learned Civil Judge at one place has observed that written statement can be filed and other place extension of time cannot be granted. While rejecting the application other place there is

absolutely no reason given, and therefore, such order cannot be stated to have decided the issue. The order under challenged is a reasoned order where the learned Judge has found that cogent reason was given for condonation of delay in filing written statement and has accordingly condone the delay of 56 days. The discretion used by the learned Judge of Small Cause Court in permitting the respondents to file written statement cannot be stated to be illegal or perverse to warrant interference. By exercising jurisdiction under Article 227 of the Constitution, I am not inclined to set aside the impugned order and restore a non speaking and self contradictory order.

3. The Writ Petition is rejected.

**(N. M. Jamdar, J.)**