

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

WRIT PETITION NO.4156/2016

Prakash Nandulal Jaiswal

..VS..

Manoj Mohanlal Jaiswal

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 : 20.7.2016.

Heard Shri N.A. Gaikwad, Advocate for the petitioner - original defendant.

By the impugned order the learned trial Judge has rejected the application (Exh. No.129) by which the defendant sought permission to place on record the written statement. The learned trial Judge has recorded that the defendant has not given any explanation for the delay of more than 4 years in filing the written statement. The reason given by the petitioner - defendant for the delay is that he could not file the written statement as he could not afford to pay fees to the lawyer. At the time of arguments, it is submitted by the learned Advocate for the petitioner - defendant that the defendant is having CL-III license but he is actually not doing business. Though it is submitted that the petitioner is not actually conducting the business, in the cause title it is shown that the occupation of the petitioner - defendant is business. It is not possible to accept the submission made on behalf of the petitioner -

defendant that because of financial constraints he could not engage Advocate and file written statement.

The impugned order is just and proper and does not require any interference. Petition is **dismissed**. No costs.

JUDGE

Tambaskar.

CERTIFICATE

“ I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order”.

Uploaded By : N.V. Tambaskar.
Personal Assistant.

Uploaded On : 22.7.2016.