

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

943 WRIT PETITION NO. 9728 OF 2013

SUBHASH BABURAO SELUKAR AND ANOTHER
VERSUS
SAU. BIBHISHAN GANGADHAR PAWAR AND OTHERS

...

Advocate for Petitioners : Mr. Bhagwan S. Kudale.

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CORAM : **V. K. JADHAV, J.**

DATE : 29th November, 2017.

ORDER:

. The Petitioners / original Defendant Nos.3 and 4 failed to filed the written statement within time and therefore, no W.S. order came to be passed against the Petitioners by the Trial Court and thus, the Petitioners have filed an application Exhibit 23 on 16th August, 2012 for setting aside the said no W.S. order. The learned Judge of the Trial Court vide impugned order dated 22nd August, 2013 rejected the said application. Hence, this writ petition.

2 Though the Respondents are duly served and even notice of final disposal came to be served on them, none appears for them.

3 This writ petition came to be filed in the year 2013. This Court has stayed the proceedings of the Trial Court in the year 2013. It appears that for four years, the further proceedings in the suit before

the Trial Court are pending for the reason that the Petitioners have not filed the written statement within time.

4 In view of the above, there is no point to see the merits of the order passed by the Trial Court. I am inclined to allow this writ petition subject to cost. Hence, the following order:

ORDER

- I. The writ petition is hereby allowed.
- II. The impugned order dated 22nd August, 2013 is hereby quashed and set aside
- III. The application Exhibit 23 is hereby allowed in terms of its prayer clause subject to cost of Rs.2,000/- to be deposited before the Trial Court within a period of four weeks from the date of this order.
- IV. The writ petition is accordingly disposed of.

[V. K. JADHAV, J.]