

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.476 OF 2017

T. S. Rajamany

.. Applicant.
(Orig. Defendant)

v/s.

Dhanalakshmi Bank Ltd.,

.. Respondent.
(Orig. Plaintiff)

Mr. Ramgopal Tripathi i/b. G. Hariharan, for the Applicant.

Mr. Rakesh L. Singh with Mr. Shaikh A. Ali i/b. M.V. Kini & Co., for the Respondent.

CORAM: M.S.SANKLECHA, J.

DATE : 6th SEPTEMBER, 2017.

P.C:-

Moved for admission and urgent reliefs.

This Civil Revision Application (CRA) under Section 115 of the Code of Civil Procedure, 1908 (Code) challenges the order dated 15th July, 2017 passed by the City Civil Court, Bombay.

2 The Applicant's grievance to the impugned order dated 15th July, 2017 is limited to the extent it has not allowed its application to file its written statement after a long gap of six years.

3 The suit has been filed by the Respondent (Orig. Plaintiff), claiming damages on account of defamation. The Applicant were served with a writ of summons in January, 2012. Thereafter, in February, 2015,

the evidence-in-chief was also filed by the Respondent herein before the Trial Court. The Applicant took out the application for taking a written statement on record on 28th September, 2015. The impugned order dated 15th July, 2017 has rejected the Applicant's prayer for taking written statement on record inter alia, by negating Applicant's contention that because he is a lay person, there was a reasonable cause to condone the delay in filing the written statement.

4 Mr. Tripathi, learned Counsel appearing for the Applicant in support, submits that when the writ of summons was served upon him in January, 2012, plaint had not accompanied the same. However, no efforts have been made by the Petitioner to find out what was the nature of the suit or nor any efforts to obtain the copy of the plaint on the basis of which the writ of summons is served upon him in January, 2012. The view taken by the Trial Court in the impugned order dated 15th July, 2017, in the present facts cannot be said to be perverse, in the facts and circumstances of the case.

5 In the above view, I see no reason to exercise my jurisdiction under Section 115 of the Code to interfere with the impugned order.

6 Accordingly, **Civil Revision Application is dismissed.**

(M.S.SANKLECHA,J.)