

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION No. 925 OF 2017

Smt. Anusaya Pandurang Rupnavar & Ors. ... Petitioners
Vs.
Baburao Pandurang Rupnawar & Ors. ... Respondents

Mr. Sumit V. Khaire, Advocate for the petitioners.

CORAM: **MRS.MRIDULA BHATKAR, J.**
DATE: **14th June, 2017.**

P.C.:

Not on board. Upon mentioning, taken on board.

2. In this Writ Petition, the order dated 28th August, 2016 passed by learned Joint Civil Judge Junior Division, Daund, District Pune thereby rejecting the Application of Defendant nos. 1 to 10 to file the written statement. Regular Civil Suit No. 8 of 2008 is for partition. The defendant nos. 1 to 10 appeared in the suit on 18th March, 2008. however, they did not file written statement till 2013. The reason given for non-filing of the written statement is that petitioner/defendant no. 4 became mentally ill, husband of petitioner/defendant no. 9 was suffering from paralysis and petitioner/defendant no. 10 had snake bite.

3. The learned counsel for the petitioners submitted that it is a suit for partition and the petitioners/defendant nos. 1 to 10 are from one branch of family and they be allowed to file written statement.

4. On perusal of the order dated 2nd August, 2016, it is found that the order passed by the learned Civil Judge Junior Division, Daund is well reasoned. There is inordinate delay to file written statement without any sufficient cause. Hence, no interference is called for in the order passed by the learned Civil Judge Junior Division. Writ Petition is dismissed summarily.

(MRIDULA BHATKAR, J.)