

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

928 WRIT PETITION NO. 12731 OF 2018

TABASUM MOHD JALAL KURESHI AND OTHERS
VERSUS
SITABAI RAMBHAU ABUJ AND OTHERS

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Advocate for Petitioners : Mr. Deshmukh Abhay G.

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CORAM : N.M. JAMDAR, J.

Dated: November 27, 2018

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PER COURT :-

By this petition, the petitioners have challenged the order of rejection of his application in setting aside the 'No WS' order.

2 It has to be noted that the impugned order is dated 17 February 2015 and writ petition is filed on 18 April 2018. The suit was instituted in the year 2009. The petitioners i.e. defendant nos. 7 to 9 appeared in the suit on 14 March 2011, sought time to file their written statement on various occasions. On 11 April 2012 the 'No WS' order was passed. Application was not filed immediately, but was filed on 12 March 2014, which was rejected by the impugned order in February 2015. In the said application it is stated that, suit was stayed by the order of this Court. However, stay was vacated in the year

2014 itself. As regard the delay in challenging the impugned order of three years by way of this writ petition, the explanation given is hardly satisfactory. If an indulgence in this case is given, it will be completely contrary to the legislative policy of curtailing time to file written statement so that conclusion of civil proceeding is expeditiously achieved. In these circumstances the contention of the petitioner that delay be condoned on payment of costs cannot be accepted. There is gross delay at every stage. Writ petition is accordingly rejected.

(N.M. JAMDAR, J.)

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