

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

29. WRIT PETITION NO. 12247 OF 2018

Datta Pandurang Jadhav	...	Petitioner
Versus		
The State of Maharashtra and others	...	Respondents

Mr. R.O. Awasarmol, Advocate for petitioner
Mr. S.B. Pulkundwar, Asstt. Govt. Pleader for respondents No.1 to 4

Coram : N.M. Jamdar, J.

Date : 19 November 2018.

P.C.:

1. Petitioner/plaintiff is aggrieved by order passed by the learned Civil Judge (Senior Division), Hingoli, setting aside no written statement order after lapse of four years.
2. Learned Counsel for the petitioner argued that exercise of the jurisdiction by the learned Civil Judge in condoning delay without any reason whatsoever, is illegal.
3. Having considered facts and circumstances and that the opportunity is given to the defendants to file their written statement,

exercise of writ jurisdiction is not warranted. However, I will have to take note of the learned Civil Judge, who has stated that there is no reason to show why defendants remained silent for three years. If in these circumstances, indulgence was being extended to the defendants, it cannot be to the prejudice of the petitioner/plaintiff and, therefore, the learned Civil Judge, considering the facts and circumstances of the case, will dispose of the suit as expeditiously as possible giving priority to it.

5. The writ petition is accordingly disposed of.

N.M. Jamdar, J.