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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6399 OF 2018

WITH
CIVIL APPLICATION NO.1210 OF 2018
IN
WRIT PETITION NO.6399 OF 2018

M/s.Nanavati Enterprises	...Petitioner
V/s.	
Mohammed S.A. Munshi, since deceased through His L.Rs. & Ors.	...Respondents

Mr.Omkar Kulkarni i/b Mr.Wassan U. Khan for the Petitioner.

Mr.K.C. Prusty for the Respondent Nos.1-b to 1-d.

Mr.G.O. Giri for the Respondent No.4.

CORAM : R.D. DHANUKA, J.
DATE : 27TH AUGUST, 2018.

P.C. :-

1. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the order dated 31st January, 2018 passed by the City Civil Court in the Notice of Motion No.3781 of 2017 in L.C. Suit No.1008 of 2005. The petitioner was served with the writ of summons after their impleadment in the year 2006. The application for condonation of delay in filing the written statement was however filed after 10 years before the learned trial Judge.

2. A perusal of application for condonation of delay indicates

that no sufficient reasons were recorded by the petitioner in seeking condonation of delay of 10 years in filing the written statement. The original petitioner has already led evidence and has closed his case. The matter is at the final hearing stage before the learned trial Judge. I am thus not inclined to interfere with the impugned order passed by the learned trial Judge. The writ petition is devoid of merit and is accordingly dismissed. No order as to costs.

3. In view of dismissal of the writ petition, the Civil Application No.1210 of 2018 does not survive and is accordingly dismissed.

(R.D. DHANUKA, J.)