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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7605 OF 2018

M/s.Twin Estate Developers Pvt. Ltd. & Ors.	...Petitioners
V/s.	
Gurudev Singh @ Resham Singh & Ors.	...Respondents

Mr.Surel Shah I/b Mr.V.H. Narvekar for the Petitioners.

None for the Respondents.

CORAM : R.D. DHANUKA, J.
DATE : 26TH SEPTEMBER, 2018.

P.C. :-

1. By this petition filed under under Article 227 of the Constitution of India, the petitioners (original defendant nos.1 to 4) have impugned the order dated 2nd July, 2018 passed by the learned Trial Judge allowing the application filed by the original defendant nos.9 to 17 praying for condonation of delay in filing the written statement. For the reasons recorded in the said order, the learned Trial Judge condoned the delay subject to payment of costs of Rs.3,000/-. Admittedly the plaintiff has not challenged the said order. This writ petition is filed by some of the contesting defendants on the ground that there is collusion between the plaintiff and the defendant nos.9 to 17. In my view, the petitioners have no locus to challenge the said order dated 2nd July, 2018 allowing the application for

condonation of delay in filing the written statement by the defendant nos.9 to 17.

2. If any collusion is proved between the plaintiff and the original defendant nos.9 to 17, the learned Trial Court can consider the same at the time of trial.

3. The writ petition is accordingly dismissed. There shall be no order as to costs.

4. The petitioners would be at liberty to dispute the contents of the written statement filed by the original defendant nos.9 to 17 before the learned Trial Court at the time of trial.

Vasant Anandrao
Idhol

Digitally signed by Vasant
Anandrao Idhol
Date: 2018.09.27 18:24:40 +0530

(R.D. DHANUKA, J.)