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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9361 OF 2014

Shivaji S. Shinde

...Petitioner

V/s.

Gangadhar D. Shinde & Ors.

...Respondents

Mr.Sachin D. Kadam for the Petitioner.

CORAM : R.D. DHANUKA, J.

DATE : 26TH SEPTEMBER, 2018.

P.C. :-

1. Office note indicates that all the respondents are served.

None appeared for the respondents, though served.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner (original defendant no.3) has impugned the order dated 10th June, 2014 passed by the learned Civil Judge, Junior Division, Chandwad, District Nashik rejecting the application below Exhibit – 25 for acceptance of the written statement tendered beyond the stipulated period of 90 days. There was delay of seven months.

3. I have heard the learned counsel appearing for the petitioner and have perused the application made by the petitioner. On perusal of the application filed by the petitioner, I am satisfied that the delay of seven months in filing the written statement has been sufficiently explained. Learned Trial Judge thus ought to have

condoned the delay.

4. The order dated 10th June, 2014 passed by the learned Trial Judge is quashed and set aside. The application below Exhibit – 25 is allowed. The petitioner is directed to file the written statement within four weeks from today and a copy of the written statement shall be served upon the plaintiff's advocate within one week from the date of filing the said written statement before the learned Trial Judge. It is made clear that no further extension of time would be granted.

5. In view of the disposal of this writ petition, *ad-interim* relief granted by this Court to stand vacated. Learned Trial Judge however, shall proceed with the matter after the petitioner files the written statement.

6. All the parties as well as the learned Trial Judge to act on the authenticated copy of this order.

Vasant
Anandrao
Idhol

Digitally signed by
Vasant Anandrao Idhol
Date: 2018.09.27
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(R.D. DHANUKA, J.)