

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION (STAMP) NO. 30325 OF 2017

Sangita Anandrao Gaikwad	...	Petitioner
V/s.		
Dattatraya Krishna Bhuse & Ors.	...	Respondents

- Mr.Ajay A. Joshi for the Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 31st JANUARY, 2018.

P.C. :

- 1] Heard learned counsel for the Petitioner.

- 2] By this Writ Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 14th June 2017 passed below Exhibit-95 by the 4th Jt. Civil Judge Junior Division, Pandharpur in Regular Civil Suit No. 49 of 2006.

- 3] The Petitioner is the Original Defendant No.3 and the sister of the Respondent/Plaintiff. She has filed this application at Exhibit-95 for setting aside the ex-parte order passed against her, which came to be rejected by the trial Court and in my considered opinion rightly so. It is pertinent to note that the order of suit proceeding ex-parte

against the Petitioner is passed since about 10 years back. It is difficult to accept that the Petitioner, being the sister of original Plaintiff, was not aware of the filing of suit or of ex-parte order passed against her in the year 2006.

4] In such situation, considering this inordinate delay of 10 years, which is not substantiated by any satisfactory explanation, the trial Court has rightly rejected the Petitioner's application for impleadment and for setting aside the ex-parte order, especially when now the suit appears to be fixed before the trial Court for pronouncement of the judgment, as the evidence of Defendant Nos.1 to 3 is already closed.

5] Hence, no interference is warranted in the impugned order of the trial Court. Therefore, Writ Petition stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]