

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

WRIT PETITION NO. 13399 OF 2017

Babu Shankar Pawar & Ors.	...	Petitioners
V/s.		
Sukhdev Baburao Patil & Ors.	...	Respondents

Mr.Sandeep Mishra for the Petitioners.
Mr.Jyotiram S. Yadav for Respondent No.1.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 11th JANUARY, 2018.

P.C. :

1] Heard learned counsel for the Petitioner and Respondent No.1.

2] This Writ Petition is filed against the order passed by the Court of Civil Judge Junior Division, Ulhasnagar, on 26th October, 2017, below Exhibit-104, thereby rejecting the Petitioner's application for condonation of delay in filing the written statement.

3] Considering that, the delay is only of 120 days and along with the application the written statement was also filed, in the interest

of justice, the delay is condoned; so that the written statement is allowed to be taken on record and matter can be decided finally on merits.

4] Considering the objection raised by learned Respondent No.1, the delay is condoned, subject to costs of Rs.10,000/- (Rs. Ten Thousand only) to be deposited in the trial Court for payment to Respondent No.1 within two weeks from the receipt of this order to the trial Court.

5] Writ Petition is disposed of in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]