

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
BENCH AT AURANGABAD.**

WRIT PETITION NO.4202 OF 2019

DATTU DEORAM PATIL

.. Petitioner

Versus

MURLIDHAR GAMBHIR PATIL

..Respondent

.....

Advocate for Petitioner : Smt M.L. Sangeet

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CORAM : PR. BORA, J.

Dated: April 09, 2019

PER COURT :-

1. Heard Smt Sangeet, learned Counsel appearing for the petitioner. The petitioner has challenged the order dated 09.10.2018 passed below an application Exh.19 in Regular Civil Suit No.38 of 2016 by Civil Judge, Junior Division at Raver. The present respondent has filed the suit for possession against the present petitioner and though the present petitioner was served with the suit summons and accordingly caused appearance in the said matter, on 20.07.2016 did not file the written-statement and thereafter filed an application on 18.06.2018 for setting aside No written- statement order and to permit him to adduce evidence on his behalf.

2. It was the contention of the present petitioner that,

because of the illness, he could not contact his lawyer and also could not attend the matter and that was the only reason that, he could not file the written-statement. The Trial Court has rejected the said application observing that, no cogent reason has been assigned by the petitioner for setting aside No written-statement order. It is further observed that, though the specific reason has been stated as about his illness, the petitioner has not filed a single document evidencing that, he was under treatment and he was unable to attend the Court proceedings.

3. Since there was no reason assigned for such a long delay occurred in filing the application, the Trial Court has rejected the said application. It does not appear to me that, the Trial Court has committed any error in rejecting the application. The Writ Petition being devoid of any substance, deserves to be dismissed and is accordingly dismissed.

(**PR. BORA, J.**)

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