

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO. 8350 OF 2019**

Hanmant Nagnath Kamble & Ors.

...Petitioners

Versus

Dropadabi Mahadeo Mitkar & Ors.

...Respondents

.....

Mr. K.K.Kulkarni, Advocate for the Petitioners.

.....

**CORAM : RAVINDRA V. GHUGE, J.**

**DATE : 17-07-2019.**

**PER COURT :**

01. The petitioners, who are original defendant Nos. 19, 20, 24, 25, 31, 34 and 14 in R.C.S. No. 171/1998, have challenged the Order of the Trial Court dated 17.7.2017.

02. The grievance of the petitioners is that they could not file their written statements in the said suit. As "no written statement" Order was passed years ago, they moved an application Exh. 295 on 10.12.2014 praying for recalling the "No WS Order" By an Order dated 28.1.2015, such Order of "No WS" was recalled against several defendants and they were directed to deposit cost of Rs. 3,000/-, together until the next date.

03. Those defendants who deposited the cost, were permitted to file their written statement. These petitioners failed to deposit the costs and also did not place their written statements on record. The Order dated 28.1.2015, therefore, stood automatically vacated on 10.12.2015. After two and half years these petitioners filed one more application Exh. 323 on 17.7.2017. The Trial Court rejected the said application instantly. These petitioners preferred this petition on 18.3.2019 for challenging the said Order.

04. Though the learned Advocate for the petitioners had strenuously criticized the impugned Orders and has drawn my attention to the 9 grounds formulated in the memo of the petition, I find this case is an open and shut case. In the above backdrop, these petitioners can not be permitted to file their written statements after 20 years of the pendency of the suit.

05. In view of the above, this petition is dismissed. The Trial Court is directed to deal with R.C.S. No. 171/1998 expeditiously and preferably on day to day basis, if possible and decide the said suit on or before 31.12.2019.

06. The learned Registrar (Judicial) of this Court shall transmit this Order to the learned Civil Judge,

Junior Division, Tuljapur in R.C.S. No. 171/1998.

**[RAVINDRA V. GHUGE]**

**JUDGE**

*Dahibhate/-*