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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 4159 OF 2019**

Shri. Purushottam Nasik DeshmukhPetitioners
and others

V/s.

Bochasanwasi Shri AkshapurushottamRespondent
Swaminarayan Sanstha

Mr. Raju D. Suryawanshi for the Petitioners
Mr. Harjit Singh Anand i/b Legal Chartered for respondent

CORAM : NITIN W. SAMBRE, J.

DATE : OCTOBER 7, 2019.

P.C.

Impugned in the petition is, order dated 20/10/2018 passed below Exhibit 63, an application moved by the petitioner-defendant for setting aside 'No W.S.' order and for condoning the delay caused in submitting written statement.

2 Perused the cause cited.

3 Petitioner has already moved a pursis in the Civil Suit that his reply to Exhibit 5 be treated as written statement.

4 Learned counsel for the petitioner submits that apart from said pleadings, petitioner-defendant will not raise any additional pleadings.

5 Since the statement is made on instructions, same is accepted as an undertaking. As such, order impugned dated 20/10/2018 is hereby quashed and set aside subject to payment of cost of Rs. 25,000/- to be deposited in the Civil Court within period of 4 weeks from today to which respondent-plaintiff will be entitled to withdraw.

6 As a consequence of above, application Exhibit 63 in Spl. C.S. No. 349 of 2016 stands allowed. Petition stands disposed of.

[NITIN W. SAMBRE, J.]