

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1071/2019

Smt. Sheikh Karima Wd/o Sheikh Mohammad

..VS..

Shri Rajesh S/o Yashwantrao Mandape

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri V.R. Thote, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 12/02/2019

Heard.

By the impugned order, the learned trial Judge has dismissed the application (Exh. 52) filed by the petitioner – defendant seeking permission to place on record the written statement. According to the petitioner, she was served with the suit summons on 22/04/2017, however, as she had gone to Hajj in August 2017, the written statement could not be filed within the prescribed period and then after she returned from Hajj, she was not properly advised by her advocate which resulted in delay in filling the written statement.

The facts recorded in the impugned order show that the application (Exh. 52) to place on record the written statement is filed by the petitioner – defendant on or about 04/01/2018. According to the petitioner, she returned from Hajj in September 2017. Even if the delay in filing the written statement earlier i.e. prior to petitioner's going for Hajj is condoned, there is no explanation for not filing the written

statement from September 2017 till 04/01/2018. The learned trial Judge, after examining the facts of the case, has rightly held that there are no bonafides on the part of the petitioner and she failed to file the written statement though several opportunities are granted to her.

I see no reason to interfere with the impugned order.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari