

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

WRIT PETITION NO.3631/2019

Prashant Bhagwandasji Bajoria & Anr.
..VS..
Bharti Bharat Bajoria & Oths.

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

Court's or Judge's orders

Shri A. C. Dharmadhikari, Advocate for the petitioner

CORAM : Z.A.HAQ, J.
DATED : 04/06/2019

Heard.

2] The original defendant Nos. 1 and 2 have challenged the order passed by the trial Court, rejecting the application (Exh. No. 20) filed by them under Order VI Rule 16 of the Code of Civil Procedure 1908. The contention of the defendant Nos. 1 and 2 is that the unnecessary pleadings as pointed out in the application (Exh. No. 20) are not in consonance with the documents filed by the plaintiffs.

Learned trial Judge has exhaustively considered the contentions of the defendant Nos. 1 and 2 and has recorded that the plaintiffs cannot be deprived of the opportunity of proving their case. One of the factor which weighed with the learned trial judge is that the defendant Nos. 1 and 2 have not yet filed the written statement.

3] After examining the matter, I find that the impugned order does not suffer from any illegality or error of jurisdiction, which necessitates interference by this Court in the extraordinary jurisdiction.

4] The writ petition is dismissed. No order as to costs.

5] At this stage, learned advocate for the petitioners (defendant Nos. 1 and 2) states that the trial Court had extended the time for filing the written statement of these defendants, however, as the defendant Nos. 1 and 2 have chosen to challenge the order passed by the trial Court before this Court, some more time is consumed, and it is requested that time to file written statement of defendant Nos. 1 and 2 be extended till 15th July 2019. It is stated that defendant No.1 is present in the Court and pursis to that effect will be filed during the course of the day. If pursis is filed on behalf of the defendant Nos.1 and 2, giving undertaking to file written statement till 15th July 2019, time to file written statement by this defendant will stand extended till **15th July 2019.**

(Z.A.HAQ, J.)