

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.7830/2017

Rupali Arvind @ Manju Kashikar and anr.

Vs.

Pradip Ramkrushna Gulhane(since dead thru.Lrs) Venu R.Gulhane and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri J.K.Matale, Advocate for petitioners.
Shri P.N.Khadgi, Advocate for respondent nos. 1(a & b), 2 to 5.
Shri S.L.Kotwal, Advocate for respondent no.7.

CORAM : A.S.CHANDURKAR, J.
DATED : September, 27 2019

The order passed by the trial Court below Exhibit 108 rejecting the application seeking permission to file written statement is sought to be challenged by the legal heirs of the defendant no.2 in this writ petition.

Perusal of the impugned order indicates that the legal heirs were represented by their counsel who had appeared before the trial Court as per Exhibits 31 and 32. Time was sought to file written statement. Despite that the written statement was not filed. Hence the suit proceeded without the written statement as per order passed on 25.06.2013. The application in question has been filed on 29.01.2016.

After hearing the learned counsel for the parties, it is seen that since the petitioners had appeared through their counsel before the trial Court in the year 2013 and had sought time to file the written statement, there is no error in the order passed by the trial Court refusing permission to file written statement after a lapse of more than two and half years. There is no justifiable reason to grant the application at Exhibit 108.

Hence the writ petition is dismissed with no orders as to costs.
The proceedings in S.C.S.No.1258 of 2007 are expedited and the same be decided preferably within six months from today.

JUDGE

Andurkar.