

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.9357 OF 2014

MADHUKAR PRALHAD PATHE
VERSUS
CHANDRAKALA DATTATARYA PATARE AND OTHERS

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Advocate for the Petitioner : Shri Bhandari Anand P.
Advocate for Respondents 1 and 3 : Shri Rahul Karpe and Shri Y.D.Kale
AGP for Respondents 4 to 7 : Shri A.S.Shinde

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CORAM: ROHIT B. DEO, J.

DATE : 05th February, 2020

Per Court:

1 The petitioner is the original defendant 5, who is aggrieved by the order dated 05.09.2014 rendered by the Trial Court whereby, the delay of about 23 days in filing the Written Statement is not condoned.

2 It is unfortunate that this petition is heard for admission after five years and four months of the order impugned and in the interregnum, the proceedings of the suit are stayed.

3 In my considered view, the reasons recorded by the Trial Court for refusing to condone the delay are pedantic. The order impugned is, therefore, set aside and it is directed that the Written Statement filed on record by the petitioner/ defendant 5 be recorded and read. The Trial Court is requested to decide the suit as expeditiously as possible and in

any event, within TWELVE MONTHS.

4 The Writ Petition is, accordingly, disposed of.

kps

(ROHIT B. DEO, J.)