

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

37 WRIT PETITION NO.133 OF 2020

SHIVAJI NARAYAN MAKAL AND ANOTHER
VERSUS
POPAT FAKIRA JIREKAR SUTAR AND OTHERS

...
Advocate for Petitioners : Mr. Jadhav N.I.
...

CORAM: ROHIT BABAN DEO, J.

Date: JANUARY 6th, 2020
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PER COURT :-

1 The petitioners who are the original defendants No.10 and 11 in a suit for partition, are aggrieved by the order dated 22.11.2019 rendered by the Trial Court, whereby the application preferred for permission to file on record the written statement is rejected.

2 The suit is instituted on 5.10.2006. The petitioners suffered an order of 'No WS' on 26.6.2007. The evidence of the plaintiff was closed on 15.11.2018. The defendant No.1 then entered the witness box and was cross-examined on 20.3.2019. It is at this stage that the defendants No.10 and 11 preferred an application, seeking permission to file on record the Written Statement.

3 The learned civil Judge has recorded sound reasons for refusing to permit the petitioners to file their written statement after more than 12 years and six months. The learned Judge has *inter-alia* also considered the fact that the suit has progressed significantly. I do not see any error in the impugned order, much less an error as would impel me to exercise writ jurisdiction.

4 The petition is dismissed.

(ROHIT BABAN DEO, J)