

Anand

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 714 OF 2020

Laxman Vishnu Malode

.Petitioners

Vs.

Narendra Baburao Sonawane & ors.

.Respondents

Mr. M. M. Agavekar i/b. Ms Shraddha Chavan, Advocate, for the
Petitioners

CORAM : REVATI MOHITE DERE, J.

DATE : 28.01.2020

P. C.

. Heard learned counsel for the Petitioners.

2. By this Petition, the Petitioners have impugned the order dated 02.12.2017 passed by the learned 5th Jt. C. J. S. D., Nashik below Exh. 102 in Special Civil Suit No. 265 of 1999.

3. Perused the papers including the impugned order. The Petitioners are the Original Defendant Nos. 3 & 5 in Special Civil Suit No. 265 of 1999. The said suit was filed by the Respondent No. 1 (Original Plaintiff) as against the Petitioners and the Respondent Nos. 2 to 6 for specific performance of contract and other ancillary reliefs, in the Court of the learned C. J. S. D., Nasik. The Petitioners appeared in the said suit. The Petitioners and the Respondent Nos. 2 to 6 filed a common Written Statement. It appears that on three occasions, the

Respondent No. 1 filed an Application seeking amendment of the plaint which was allowed i. e. on 09.04.2015, 11.12.2015 & 23.04.2016. The Petitioners (Original Defendant Nos. 3 & 5) filed an Application for filing additional Written Statement to the amendments carried by the Plaintiff i. e. the Respondent No. 1 i. e. in 2015 and 2016. It appears that the Petitioners were given ample opportunity and time to file their additional Written Statement, however, despite the same, the Petitioners failed to file their additional Written Statement, pursuant to which, the trial Court eventually passed an order of “No additional W. S.”. A perusal of the Application dated 06.01.2017 filed by the Petitioners is bereft of any details, as to why the Written Statement could not be filed within time. No reasons whatsoever or plausible grounds have been disclosed by the Petitioners for not filing additional Written Statement in time. Thus, no sufficient cause has been disclosed for condoning the delay caused in filing the Written Statement.

4. In view of the same, no infirmity can be found in the impugned order dated 02.12.2017 passed by the learned 5th Jt. C. J. S. D., Nashik below Exh. 102 in Special Civil Suit No. 265 of 1999. It is also pertinent to note, that the present Petition challenging the impugned order dated 02.12.2017 has been filed only in July, 2019 i. e. after almost two years.

5. Considering the aforesaid, no interference is warranted in

the impugned order. Accordingly, the Petition is dismissed.

(REVATI MOHITE DERE, J.)