

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.6270 OF 2021

Shanta Balkrishna Sutar & Anr. .. Petitioners

Vs.

Pandit Rangrav Savant (since deceased)
Through LRs & Ors. .. Respondents

...

Mr. Nikhil N. Pawar for the Petitioners.

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CORAM : SMT. BHARATI DANGRE, J.

DATED : 04TH OCTOBER, 2021.

P.C:-

1. The petitioners are aggrieved by the impugned order dated 19/04/2017 passed by the Civil Judge, Senior Division, Sangli in Special Civil Suit No.198 of 2012 by which an application preferred by the defendants to condone the delay in filing written statement after expiry of a period of four years, three months and 11 days, has been dismissed and an order has been passed to proceed with the suit 'without written statement'.

2. Heard learned counsel for the petitioners. I have perused the application below Ex-33 on which the impugned order has been passed. The application merely states that respondent No.1 is a differently abled illiterate woman, who is not able to pursue her legal action and it is also stated that as far as defendant No.3 is concerned, on account of his avocation of mason work, he is busy throughout the day. This is stated as a reason why they could not hand over the papers to their lawyer within the period stipulated.

3. Taking into consideration the amendment made in the Code of Civil Procedure (“**C.P.C.**”), which would ensure a speedy trial in civil suits, which are pending for considerable length of time and to do away the delay and laches in its conclusion, the C.P.C. has been amended, wherein the time limit has been prescribed and as far as written statement is concerned, though Order 8 Rule 1 prescribes that written statement shall be filed within a period of 30 days, the proviso enables filing of the written statement on a cause being shown beyond the said period, but in any case, the period shall not be extended beyond 90 days.

4. Learned counsel for the petitioners has pressed into service Section 151 of the C.P.C., which in my considered opinion, is not liable to be invoked in view of the specific provision

contained in the C.P.C. Since the application does not disclose any justifiable ground, I see no reason to interfere with the impugned order and, upholding the same, the writ petition deserves a dismissal and is accordingly dismissed.

[SMT. BHARATI DANGRE, J.]