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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8404 OF 2019**

Sharad Shankar Udavant Petitioner.

V/s

Shobha Dilip Jadkar and Ors. Respondents.

Mr. Harshad Inamdar i/b Satyajeet Dighe for the Petitioner.

CORAM: NITIN W. SAMBRE, J.

DATE: FEBRUARY 25, 2021

P.C.:-

1] Heard learned Counsel for the Petitioner.

2] The order impugned is dated 5/7/2019 passed in RCS No. 32 of 2017 below Exhibit-28, wherein prayer of the Petitioner/Defendant for setting aside “No WS” order and permission to place on record the Written Statement came to be rejected.

3] The learned Counsel for the Petitioner submits that after the Petitioner was served on 22/6/2017, he continued to appear before the Court. However, there was no advice given to him to file Written Statement. As such, Written Statement remained to be filed.

4] Though served, none appears for Respondents.

5] It is apparent from the observations made by the learned 2nd Joint Civil Judge, Junior Division, Nashik in the impugned order dated 5/7/2019 that evidence of the Plaintiffs is already over and Petitioner/Defendant who is an Advocate was regularly appearing in the matter but still has chosen not to file the Written Statement. This Court needs to be sensitive to the fact that application preferred by the Petitioner/Defendant under Order 7 Rule 11(b) of CPC was already rejected and as such it cannot be said that the Petitioner has no knowledge of law.

6] In that view of the matter, no case for interference is made out. Petition fails and same stands dismissed.

(NITIN W. SAMBRE, J.)