

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 258/2021

Akhtar Khan Saheb Khan

...Versus...

Shobharani Rajendra Nalode and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri A.M.Quazi, Advocate for petitioner.
Shri Avadhesh Kesari, Advocate for Respondent Nos. 1 to 6
Miss. T. Khan, AGP for Respondent Nos. 7 to 11

CORAM : AVINASH G. GHAROTE, J.

DATE : 22/09/2021

The present petition challenges the order dated 10.12.2019, by which the learned trial court has proceeded with the matter without written statement of the petitioner and the subsequent order dated 07.03.2020, rejecting the application for setting aside the order dated 10.12.2019 and permission to file written statement.

Though Mr. Kesari, learned counsel for the Respondent No. 1 to 6 raises vehement objection to the filing of the written statement, however, in view of the fact that the appearance by the original defendant No.6/petitioner, was put in on 05.10.2019, and the application seeking time to file written statement was granted, adjourning the matter on 10.12.2019, on which date the 'no WS' order has been passed

and the fact that the application for setting aside the 'no WS' order and permission to file written statement at Exh.22 was filed on 10.12.2019 accompanied with the written statement, the impugned orders are quashed and set aside and the written statement as filed by the petitioner is directed to be accepted.

The petition is accordingly allowed in aforesaid terms. No order as to costs.

JUDGE

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