

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD**

WRIT PETITION NO.2981 OF 2022

JAYRAM LAXMAN JADHAV AND OTHERS  
VERSUS  
ASHOK SHANKAR JADHAV AND OTHERS

...  
Advocate for Petitioners : Mr. Suryawanshi Govind G.  
.....

**[CORAM : NITIN B. SURYAWANSHI, J.]**

**DATE : 1<sup>st</sup> MARCH, 2022**

**ORDER :**

1. The application filed by the respondents seeking setting aside of no written statement order and condonation of delay of 1 year 4 months and 8 days in filing of said application is allowed by the Trial Court by imposing cost of Rs. 1800/-. The Petitioners are aggrieved by the said order.

2. The Petitioners assailed the impugned order contending that the same is contrary to Order VIII Rule 1, according to which written statement has to be filed in 30 days from the date of service of summons.

3. It is settled law that the said provisions is directory and on sufficient cause having been shown, the Trial Court can permit filing of written statement in extended time.

4. In the present case, the Trial Court has rightly exercised the discretion in favour of the respondents. Fair opportunity needs to be given to the respondents to contest the suit filed by the Petitioners.

5. No illegality or perversity is found in the orders impugned in the present petition. The writ petition being devoid of merits is dismissed.

**[NITIN B. SURYAWANSHI]**  
**JUDGE**