

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

WRIT PETITION NO. 10827 OF 2022

Tulsabai Namdeo Kolhe and others .. Petitioners

Versus

Pralhad Sakharam Shinde and others .. Respondents

Shri Sushant V. Dixit, Advocate for the Petitioners.
Shri A. S. Jadhav, Advocate h/f Shri P. R. Katneshwarkar,
Advocate for the Respondent No. 3.

**CORAM : SANDEEP V. MARNE, J.
DATE : 07TH DECEMBER, 2022.**

FINAL ORDER :

. Petitioners challenge order dated 01st August, 2022 passed by the Civil Judge Junior Division, Jafrabad rejecting their application for permission to revoke the written statement and to substitute the same with a new one.

2. It appears that the petitioners are original defendant Nos. 5 to 7. They have filed joint written statement along with defendant Nos. 1 to 3, 11 to 13 and 16 to 18 on 11.11.2011. After a period of ten long years, an application came to be filed by present petitioners for revocation of their earlier vakalatnama and written statement. Prayer was made to file new vakalatnama and fresh written statement. The application has been rejected by the Trial Court by order dated 01.08.2022.

3. The Trial Court has disbelieved the theory put forth by the petitioners about they being coerced to file written statement and that they had never attended the Court by holding that in addition to signing and verifying the main written statement, they have signed and verified the amended written statement as well. The amended written statement appears to have been verified on 19.03.2016. Therefore, the story put forth by petitioners about their signature being obtained on the written statement by the defendant No. 1 by exercising influence over them appears to be unbelievable.

3. Even otherwise, there is no provision under the Code of Civil Procedure for revocation of the written statement and to substitute the same with new one. Petition is devoid of merits. Same is dismissed without any orders as to costs.

[SANDEEP V. MARNE, J.]

bsb/Dec. 22