

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.1924 OF 2022

Omkar Subhash Mhatre

..Petitioner

Versus

Soniya Omkar Mhatre @

Soniya Janardhan Mhatre

..Respondent

Mr. Satyajeet H. Joshi a/w Mr. Vijay B. and Sandeep Mahadik, for
the Petitioner.

Mr. Hamzah Laeeque Kazi a/w Mohammed Umar Z. kazi, for the
Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 1st MARCH, 2022

PC.

1. Perused the order passed below Exh.16, wherein the Court of learned Civil Judge Senior Division, Kalyan has refused to condone delay of 41 days passed in preferring/placing on record copy of written statement by the petitioner.

2. In my opinion, the right to file written statement is a statutory right. The only issue for rejection of such prayer is, same was not complied within statutory period. As such, delay of 41 days caused in placing on record written statement for the grounds mentioned in the petition, stands condoned subject to payment of cost of Rs.10,000/- to be deposited in the Court below.

3. If the cost is not deposited, the written statement shall stands rejected. Respondent shall be entitled to withdraw the said amount of cost once deposited.
4. Counsels for the respective parties submit that within a period of two weeks from today, pleadings in support of grant of maintenance shall be completed including that of tendering of affidavit so as to facilitate the Court below to decide the prayer for grant of maintenance expeditiously.
5. The petition stands allowed in above terms.

[NITIN W. SAMBRE, J.]