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

WRIT PETITION 7400 OF 2022

Smt. Gaubai Bhikoba Tambe ... Petitioner
Versus
Kisan Vithoba Navale and Ors. ... Respondents

Mr. Abhijeet A. Devkhile a/w Jitendrlal Govane for the Petitioner.
None for the Respondents.

CORAM: ROHIT B. DEO, J.
DATE : 5th JULY, 2022

P.C. :-

. This petition is preferred by the plaintiff in Special Civil Suit 1403 of 2016 challenging the order dated 25th November, 2019 whereby the defendants 63 and 64 are permitted to file their written statement subject to payment of cost of Rs.5,000/- (Rupees Five Thousand Only).

2. The learned counsel for the plaintiff would submit that the application which is allowed is drafted most casually, is signed only by the learned counsel for the defendants 63 and 64 and in any event no exceptional case is made out for not filing the written statement within the prescribed period. The further submission is that the learned Trial Judge failed to appreciate that there was 322 days delay and was swayed by the fact that the defendants are only adopting the written statement of some of the defendants.

3. While the learned counsel for the petitioner is justified in

submitting that the application is worded casually and there ought to have been a more profound scrutiny, I am not inclined to exercise writ jurisdiction.

4. It is well settled that Writ Court may decline to interfere in writ jurisdiction even if the order impugned is shown to be vulnerable. The order impugned is rendered in 2019 and this petition was listed for the first time on 28th June, 2022. None appeared on behalf of the petitioner and the petition is listed under the caption 'for dismissal'.

5. With the passage of time, the suit must have progressed. At any rate, there is nothing on record to indicate the developments in the suit. The plaintiff has been compensated with cost. On an overall and holistic view of the matter, it would be appropriate if the suit is tried against all the defendants on merits.

6. I decline to exercise writ jurisdiction. The petition is dismissed.

[ROHIT B. DEO, J.]