

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

WRIT PETITION NO.3113 OF 2022

Shri Jayesh Damji Vira

... Petitioner

Versus

Smt. Jospin Joseph Lopis

.. Respondent

Mr. Aniket P. Ranade for the Petitioner.

None for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATED : 17th NOVEMBER, 2022

P.C.:

1. Regular Civil Suit No.157 of 2016 on the file of the 5th Civil Judge, Junior Division, Vasai, is filed for eviction on the ground of default in payment of rent under the provisions of the Maharashtra Rent Control Act, 1999. In the said Suit, the Application below Exhibit "32" was taken out by the petitioner for permission to place on record written statement as there was delay of 1765 days in filing the same. The delay is sought to be explained on the medical ground and also hardship caused due to outbreak of Covid-19. The prayer is rejected vide impugned order dated 14th February, 2022, as such this Writ Petition.

2. The contention of Mr. Aniket P. Ranade, learned counsel for the petitioner is that the petitioner / tenant is regularly paying rent by

depositing the same in the Court. According to him, during the period of Covid-19 pandemic, so also prior to that since the petitioner was indisposition, he was unable to file the written statement as the said procedure was never explained to him by the lawyer. He would further urge that prejudice will be caused in this case if the written statement is not permitted to place on record. He is ready and willing to comply with the conditions if so imposed before accepting the written statement.

3. I have appreciated the said submissions.

4. The fact remains that the delay in filing written statement is of 1764 days. The said delay is sought to be explained on the ground that he has suffered from cardiac arrest and because of hardship caused due to Covid pandemic. The fact remains that there is no documentary evidence to substantiate the claim of cardiac arrest or he was not properly advised to place on record written statement. The delay in filing written statement is not at all explained.

5. As such, I hardly see any reason which warrants any interference in the order impugned.

6. Writ Petition as such fails and stands dismissed.

(NITIN W. SAMBRE, J.)