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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO. 198 OF 2022

KAMAL VASANT SATHE

....PETITIONER

V/s.

RAJEEV VASANT SATHE
AND ORS

.....RESPONDENTS

Mr. Tapan Thatte i/b Mr. Amar Patil for the petitioner

CORAM : NITIN W. SAMBRE, J.

DATE: JANUARY 10, 2022.

P.C.:

1] Petitioner-Defendant no. 1 was served on 16/09/2017 and entered her appearance on 29/09/2017. Suit proceeded without W.S. on 21/03/2019 and the order impugned thereby rejecting the prayer of the petitioner for setting aside 'No W.S.' order is dated 30/07/2019.

2] While justifying the delay in not filing written statement so also in approaching this Court at such a belated stage in the present petition, reliance is placed on medical certificate, advance age of the

petitioner and the nature of relief claimed. Having appreciated the said contention, in my opinion, same will be of hardly any consequence or of any assistance to the Petitioner. Court below in detail has dealt with medical evidence brought on record by the Petitioner for not filing written statement within statutory period. There is unexplained delay in not filing written statement of around two years so also Petitioner has approached this Court after lapse of more than two and half years after passing of the impugned order. Apart from petition suffers from delay and latches, there is no merit and substance in the matter which warrants interference in extraordinary jurisdiction of this Court.

3] Petition stands rejected.

[NITIN W. SAMBRE, J.]