

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12768 OF 2018

Kashinath Tulshiram Shinde and Anr.

..Petitioners

Versus

Navnath Ramchandra Shinde and Anr.

..Respondents

Mr. Saurabh Oka, for the Petitioners.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th APRIL, 2022

PC.

1. Though the petitioners/defendants appeared in a suit for declaration, they have chosen not to file written statement. As a consequence, "No W. S." order was passed on 3rd October, 2015, of which setting aside was prayed vide Exh.34, which is rejected vide impugned order dated 1st February, 2018.

2. The fact remains that there are no convincing reasons given by the petitioners/defendants for not filing written statement on record even within the extended period. Approach of the petitioners/ defendants towards the court proceedings appears to be too callous. In absence of good reasons for not filing written statement for a considerable time, the Court below appears to be justified in rejecting the prayer for setting aside "No W. S." order.

(6)-WP-12768-18.doc.

3. Apart from above, the trial in the suit has already commenced as the plaintiff is under cross-examination.

4. The petition as such lacks merit, dismissed.

[NITIN W. SAMBRE, J.]