

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

Tukaram Daqdu Gaikwad and Another PETITIONERS

Village Development Officer and Others

Mrs. Manjiri A. Kulkarni, Advocate for the petitioners

[CORAM : NITIN B. SURYAWANSHI, J.]

DATE : 17th JULY, 2023

ORDER :

1. The petitioners are aggrieved by order dated 28th March, 2023 passed by learned 2nd Joint Civil Judge, Junior Division, Parli Vajnath, below Exhibit-33 in Regular Civil Suit No. 169 of 2020, thereby allowing the application filed by respondent No. 1 / defendant No.1, to file written statement by condoning the delay of 17 months.
2. Learned advocate for the petitioners has assailed the impugned order contending that delaying tactics are adopted by respondent No.1 / defendant No.1 and it being a formal party, it was not necessary for the learned Trial Court to condone the delay of 17 months and accept the written statement. Further

submission is *ex-parte* order is passed against original defendants No.2 and 3 and till date they have not filed written statement and the impugned order would enable them to approach the Trial Court for setting aside *ex parte* order and for filing their written statement belatedly.

3. Heard learned advocate for the petitioners. Perused the memo of writ petition, documents annexed along with it and the impugned order.

4. Admittedly, the petitioners have arrayed defendant No.1 / respondent No.1 as party defendant in the suit and, therefore, the Trial Court, by a reasoned order has allowed the application filed by defendant No.1 thereby permitting to file written statement and for the delay, cost of Rs.500/- is imposed.

5. No fault can be found with the impugned order. There is no illegality or perversity in the order impugned in the present petition. No case is made out by the petitioners to exercise extraordinary writ jurisdiction. Writ petition, being devoid of merit, is dismissed.

[NITIN B. SURYAWANSHI]
JUDGE