

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

60 WRIT PETITION NO.8094 OF 2022

KARUNA RAMESHRAO WAKLE
VERSUS
KANTABAI GULABRAO GADADE AND ANOTHER

Mr. Chondhekar Balaji S., Advocate for the Petitioner.

Mr. Niteshsingh J. Patil h/f. Mr. V.M. Maney, Advocate for the
Respondent No.1.

CORAM : SHARMILA U. DESHMUKH, J.
DATED : FEBRUARY 09, 2023.

PER COURT :

1. Heard.

2. The challenge in this petition is to the order dated 14th July, 2022, rejecting the petitioner's application for setting aside the "no written statement" order and seeking permission to file written statement on record. The suit is instituted in the year 2008 for declaration that the sale deed executed by the husband of the plaintiff is not binding upon the plaintiff. On 18th July, 2018, order of "no w.s." came to be passed against the petitioner. Presently the suit is at the stage of final arguments and on 24th May, 2022, an application came to be filed by the petitioner seeking to setting aside the "no written statement" order passed in the year 2020.

3. Perusal of the application shows that the application is not supported by any explanation for the delay of four years caused in preferring this application for setting aside the order of “no w.s.”.

4. Learned counsel for the Petitioner has pressed into service the position that for the past two years, due to COVID-19 pandemic, there was lock-down in the country and as such, the period of two years ought not to be taken into consideration. In the present case, the order has been passed in the year 2018 and no steps have been taken for a period of two years. Even if it is to be considered that the country was infected in the year 2020, subsequently, the application has been made at a belatedly stage, at the time of final arguments and without any explanation much less sufficient explanation, as is required.

5. For the reasons stated above, the writ petition is devoid of merits and stands dismissed.

(SHARMILA U. DESHMUKH, J.)