

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13502 OF 2018

Tryambak Balkrushna Tile and Others ...Petitioners

Versus

Lankabai Tryambak Tile @ Lankabai Vasant
Thite and Others ..Respondents

Mr. Sachin Gite for the Petitioners.

Coram : Sharmila U. Deshmukh, J.

Date : 20th July , 2023.

P. C. :

1. Heard.
2. Learned counsel for the Petitioners has tendered order of this Court dated 2nd March, 2021 passed in Writ Petition No.13503 of 2018 wherein this Court has allowed the Writ Petition and permitted the Petitioners therein who were Defendant Nos.4 and 5 in Regular Civil Suit No.637 of 2013 to file their written statement upon payment of cost. In the present matter the Petitioners herein are Defendant Nos.1 to 3 and 7 and by the impugned order dated 6th April, 2018 which was also impugned in the previous Writ Petition No.13503 of 2018 the application for setting aside the "no written statement" order was rejected.

3. In view of the order dated 2nd March, 2021 in respect of similarly placed Defendants this Court had set aside the impugned order and permitted the written statement to be placed on record. As such I am inclined to follow the same course and the impugned order dated 6th April, 2018 is quashed and set aside.
4. The Petitioners herein i.e. Defendant Nos.1 to 3 and 7 to place on record the written statement within a period of three weeks from production of this order before the trial Court in default whereof the Petitioners right to file written statement shall cease to operate. Respondent No.1-Plaintiff is entitled to the cost of Rs.10,000/- which has been deposited in the trial Court.
5. Writ Petition is disposed of in the above terms.

[Sharmila U. Deshmukh, J.]