



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

Writ Petition (WP) No. 5277 of 2023

Lalit S/o Vinayakrao Paunikar and another

Versus

Chandrakant Shyamrao Gaikwad

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S.P.Andhare, Advocate for the petitioners.

CORAM : ANIL S. KILOR, J.

DATED : 30th AUGUST, 2023.

No written statement order was passed by the trial Court on 3rd October, 2016 against the petitioners in a suit filed by the respondent for declaration permanent injunction and setting the cancellation of sale-deed and for recovery of amount, came to be rejected vide impugned order dated 5th January, 2023 passed by 6th Joint Civil Judge, Senior Division, Nagpur in Special Civil Suit No.41 of 2016, is under challenge in this writ petition.

2. Petitioners after six years on 10th August, 2022 filed an application for setting aside the no written statement order dated 3rd October, 2023.

3. After going through the application, the whole blame is attributed on the advocate who was appearing on behalf of the petitioners before the trial Court. The title clause of the writ petition shows that the petitioners are the businessmen and despite the same it is stated in the application that they had no knowledge about the proceeding of the Court that the written statement is required to be filed.

4. Thus, considering the reasons stated in the application and the fact that the application was moved after six years without assigning any justifiable reasons, I do not find that any error committed by the learned trial Court in rejecting the application Exhibit 70. Accordingly, the writ petition is dismissed.

[ANIL S. KILOR, J.]