

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

WRIT PETITION NO. 4987 OF 2021

Rajendrakumar Sarupchand Bardia and anr ___ Vs. ___ Sanjay Vijaychand Bardia

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr.S.S.Alaspurkar, Advocate for petitioner
Mr. Y.J.Chandurkar, Advocate for Respondent.

CORAM : AVINASH G. GHAROTE, J.
DATE : 10/01/2023

1] The petition challenges the order below Exh.1, dated 12.1.2021 (pg.160), whereby the suit has been proceeded against the defendant Nos. 1 and 2 without W.S.

2] The order is dated 12.1.2021 which was during the covid-19 period, considering which though Mr. Chandurkar, learned counsel for the respondent vehemently opposes, the impugned order is hereby quashed and set aside and the petitioner is permitted to file his W.S. on record, however subject to cost of Rs. 5000/- as volunteered by Mr. Alaspurkar, learned counsel for the petitioner, to be deposited with the High Court Legal Services Sub Committee, as it is a settled position that matters needs to be decided on merit and not in default.

(2)

66wp4987.21

3] The W.S. be filed by 16.1.2023. The cost be deposited by 16.1.2023.

4] Petition is disposed of in above terms.

JUDGE

Rvjalit