

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

WRIT PETITION NO.1053/2023

Atul s/o Keshavrao Dalvi through power of attorney Shri Ashish s/o Anand
Aurangabadkar
...Versus...
Smt. Purnima w/o Atul Dalvi

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

Court's or Judge's orders

Shri S.G. Karmarkar, Advocate for petitioner

CORAM : AVINASH G. GHAROTE, J.
DATE : 16/02/2023

1. Heard Shri S.G. Karmarkar, learned counsel for the petitioner.
2. The petition challenges the order dated 06/09/2022, whereby the application for permission to file written statement has been allowed. The ground given is that the defendant did not reside in India and was resident of Kuwait and due to Covid-19 pandemic, was unable to come India to meet his counsel.
3. Though it is contended that sufficient opportunities were granted to the defendant, in spite of which it was not filed, resulting in passing of no written statement order dated 12/04/2022, it is equally trite that the matter is

required to be decided on merits and not in default. Cost has already been imposed by the learned Trial Court while granting permission to file written statement on record, considering which, I do not think it appropriate to interfere in the impugned order. The writ petition is dismissed. No order as to costs.

(AVINASH G. GHAROTE, J.)

Wadkar