



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

62 WRIT PETITION NO. 2065 OF 2024

Mohammed Meraj A Hamid & anotherPetitioners

VERSUS

Bushrabegum Tabassum Masood Ahmed Khan
& othersRespondents

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Mr. S. T. Chalikwar, Advocate for the Petitioners.

Mr. A. S. Kulkarni, Advocate for Respondent No. 1.

CORAM : R. M. JOSHI, J.

DATE : 24th JUNE, 2024.

PER COURT :

1. Defendant Nos. 2 and 4 in Regular Civil Suit No. 25/2021 are aggrieved by the order passed below Exhibit 17 whereby the application filed by these Defendants for permitting them to file written statement on record stood rejected.

2. Learned counsel for Petitioners submits that during Covid-19 period, the order of 'No WS' came to be passed. Therefore, having regard to the peculiarity of the circumstances, it was necessary for the Trial Court to allow these Defendants to file written statement on record.

3. Learned counsel for Respondents opposed the said contention.

4. The suit is for partition. Stage of the suit has not progressed much is at the stage of hearing of Exhibit 5. Considering the fact that the order of 'No WS' was passed during Covid 19 Pandemic period and having regard to the nature of the suit, Trial Court ought to have allowed the said application. Hence, order passed by the Trial Court below Exhibit 17 stands set aside. Defendants No. 2 and 4 are permitted to file their written statement. Trial Court to take the same on record.

5. In view of above, Petition stands disposed of.

(R. M. JOSHI)
Judge

dyb