



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

117 WRIT PETITION NO. 12955 OF 2023

SHRIKRUSHNA DAULAT SHIMPI

VERSUS

RAJENDRA DAULAT SHIMPI

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Advocate for the Petitioner : Mr.V.G.Wani
Advocate for Respondent : Mr.Bipinchandra Patil

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CORAM : ARUN R. PEDNEKER, J.

DATE : 21.10.2024

P.C. :

1] By the present petition, the petitioner challenges the order dated 16.02.2023 passed by the 2nd Joint Civil Judge Junior Division, Pachora, District Jalgaon below Exh.43 in Regular Civil Suit No.74/2018 whereby the application filed by the petitioner to set aside no w.s. order is rejected.

2] Heard the learned counsel for the petitioner.

3] Perused the impugned order. The petitioner-defendant has appeared in the suit on 08.10.2018. On the same day, the petitioner filed vakalatnama, so also, filed

application seeking time to file written statement. Thereafter, the suit was listed on 15.11.2018. Since 15.11.2018 till 23.08.2022, no application was filed by the petitioner, seeking time to file written statement in the matter. However, the matter was adjourned almost 26 dates and suit is pending since long. Thereafter, no w.s. order is passed by the trial Court and the suit is proceeded without written statement of the petitioner–defendant. The petitioner filed an application on 23.08.2022 for setting aside the no w.s. order. However, there is no application to set aside the no cross order. While rejecting the said application, the trial Court held that the petitioner has not mentioned specific reason about delay in filing the said application and delay is exorbitant. Therefore, the trial Court is rightly rejected the application filed by the petitioner. I do not see any error in the impugned order passed by the trial Court. The present Writ Petition is dismissed.

[ARUN R. PEDNEKER]
JUDGE