

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition No.6401 of 2021

Shri Uday Bhupal Raynade & ors. ... Petitioners
V/s.
Babaso Kallappa Girmal & ors. ... Respondents.

Ms. Pallavi Karanjkar i/b. Sachin K. Hande	Advocate for the Petitioners
Mr. P.M. Arjunwadkar	Advocate for Respondent No.8.

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CORAM : S.M. MODAK, J

DATE : 27 November 2024.

P.C. :

Heard learned Advocate for the Petitioner-Plaintiff and learned Advocate for Respondent No.8/Defendant No.8.

2. Respondent No.8 could not file the written-statement within the statutory period. The trial Court proceeded with the hearing of the suit without written-statement against her and few others as per the order dated 15 February 2016. **She applied for setting aside on 20 January 2018 (Page-29). The trial Court allowed the application subject to cost of Rs.2000/- as per the order dated 21 September 2018.** This order is challenged by the Petitioner-Plaintiff by way of this writ petition filed in the year 2019 (Petition is numbered in the year 2021).

3. I have read the impugned order. The sole reason for which the no written-statement order was set aside is the age of Defendant No.8. She is running 75-80 years old. If it is so then there are several restrictions on her every moment including contacting the Advocate, giving instructions and filing written-statement.

4. Considering this fact, I do not think that the discretion is exercised wrongly by the trial Court. Hence, no interference is warranted. Writ Petition is dismissed.

(S.M. MODAK, J.)