

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

**WRIT PETITION NO.4063 OF 2024**

Lata Vinay Shah

....Petitioner

V/S

Jasraj Vinay Shah

....Respondent

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Mr. Shreyash A. Yande a/w Mr. Aashay S. Rabade *for the Petitioner.*

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**CORAM: SANDEEP V. MARNE, J.**

**DATE : 19 JUNE 2024.**

**P.C.:**

1 Heard the learned counsel appearing for the Petitioner. The challenge in the present Petition is to the order dated 23 March 2023 directing the suit shall proceed without the Written Statement of the Defendant/Petitioner. Petitioner's application for setting aside 'No WS' order is also rejected on 3 October 2023. It appears that before filing the Written Statement, the Petitioner pointed out an apparent flaw in the plaint and sought its rejection by filing application under Order 4 Rules (1), (3) of the Code of Civil Procedure, 1908 which has been partly allowed on 3 October 2023. The learned counsel appearing for the Petitioner submits that in such circumstances, 'No WS' order could not have been passed against the Petitioner. Issue notice to the Respondents, returnable on 12 August 2024.

2 Till the next date of hearing, the proceedings of the suit shall remain suspended.

(SANDEEP V. MARNE, J.)

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