



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

WRIT PETITION NO. 936 OF 2024

(DURGADAS MAROTI HATKAR..VS.. SUMANBAI BHIMRAO KHARAT & OTH.)

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

Court's or Judge's orders

Shri A.J.Thakkar, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 08, 2024.

1. Heard.
2. The order dated 21/07/2023 passed below Exh.30 by Civil Judge Junior Division, Deoulgaonraja, in Regular Civil Suit No.71 of 2016, rejecting the application for condonation of delay in filing application for setting aside 'No W.S.' order and for permission to file Written Statement on record, is under challenge in this writ petition.
3. The learned trial Court while rejecting the application has observed that the reasons stated in the application are not sufficient and satisfactory to explain the cause of delay. It is further observed that the defendant No.2 was served with notice on 17/07/2018 whereas, the application to set aside the order of 'No W.S.' was moved on 03/03/2023 i.e. after about more than 4½ years. The trial Court has further observed that even if the period of Corona is ignored there is a delay of 4 years.

4. Thus, it is evident that there is an inordinate delay in moving such application, which has not been explained.

5. In that view of the matter, I do not see any error committed by the learned trial Court while passing the impugned order. Hence, the Writ Petition is **dismissed**.
No order as to costs.

JUDGE

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