



his order is corrected as per speaking to minute order dated 17.12.2025

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

1046 WRIT PETITION NO. 13969 OF 2023

**ANUSAYA VISHNU BUDHWANT AND ANOTHER
VERSUS
GULAB DEVRAO BUDHWANT AND ANOTHER**

...
Advocate for the Petitioners : Mr. Kanade Angad Lala
Advocate for Respondent Nos. 1 & 2 : Mr. Pawar Vaibhav U.
...

**CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 10.12.2025**

PER COURT :

1. Heard the learned Counsel for the respective parties.
2. By way of this petition, the petitioners are assailing the order dated 28.06.2023 passed below Exhibit 40 by the Civil Judge Junior Division, Jintur, in Regular Civil Suit No. 39 of **2019**, whereby, application filed by the petitioners for setting aside No-WS order came to be rejected.
3. The learned Counsel for the petitioner submits that because of inadvertence, petitioners could not file the Written Statement within the stipulated period. As the matter pertains to the property and the suit is for declaration of ownership and for removal of encroachment, though there was delay in filing the Written Statement, to decide the suit on merit, it is necessary to allow them to file Written Statement.

4. I have gone through the order passed by the learned trial Court. Considering the issue involved and with a view to give one more opportunity to defend the matter on own merit, I am inclined to allow the present petition by setting aside the order passed below Exh. 40.

5. In view thereof, the Writ Petition is allowed. The order dated 28.06.2023 passed below Exhibit 40 by the Civil Judge Junior Division, Jintur, in Regular Civil Suit No. 39 of **2019**, is quashed and set aside subject to cost of Rs. 25,000/- (Rs. Twenty Five Thousand Only).

6. The cost to be deposited within period of two weeks from today. The after depositing of the cost, the same shall be transmitted to the Government Cancer Hospital, Aurangabad.

(SIDDHESHWAR S. THOMBRE, J.)

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