

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

WRIT PETITION NO. 17488 OF 2024

M/s. Ethix Vandan ...Petitioner

Versus

Nupur Shailesh Jakhotiya ...Respondent

Mr. Purushottam Chvan, for the Petitioner.

**CORAM: N. J. JAMADAR, J.
DATED: 3rd APRIL, 2025**

PC:-

1. Heard the learned Counsel for the petitioner.
2. The challenge in this petition is to an order dated 5th October, 2023 passed by the learned Civil Judge, whereby an application for condonation of 30 days delay in filing written statement came to be rejected.
3. I have perused the impugned order. It appears that the Advocate for the petitioner – defendant Nos.1 and 2 was not present when the said application (Exhibit-16) was taken up for hearing. By ascribing a general reason that, no sufficient cause had been ascribed for the delay, the learned Civil Judge has rejected the application.
4. In these circumstances, this Court is of the considered view that, notice is not required to be issued to the

respondents and the application (Exhibit-16) is required to be remitted to the trial court for a fresh decision on merits after providing an effective opportunity of hearing to the parties, and by recording reasons.

5. Ordered accordingly.
6. Petition stands disposed.

[N. J. JAMADAR, J.]