



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

WRIT PETITION NO.2089/2025

Rakesh Sethi .Vs. M/s. Poonam Resorts Ltd. Nagpur and Ors.

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

Court's or Judge's orders

Mr. A. T. Purohit, Advocate for petitioner.

Mr. A. S. Dabadghao, Advocate for respondent Nos.1 and 7.

CORAM : **ANIL L. PANSARE, J.**

DATE : **APRIL 17, 2025**

Heard.

2. Argument is that this Court was pleased to allow identical matter viz. Writ Petition No.816/2024 with connected petitions.

3. Challenge is to order dated 20.01.2023, passed below Exh.-45 by District Judge – 2, Nagpur in Commercial Suit No. 32/2018, thereby refusing the petitioner – original defendant No.1 to file written statement, since the period of 120 days lapsed.

4. In fact, this order has been set aside by this Court in the aforesaid writ petitions. It appears that by the impugned order, permission sought by the defendants to file written statement, one of which was the petitioner, was refused. Some of the defendants approached this Court in the aforesaid writ petitions and accordingly the order impugned came to be set aside. This being so, there appears no reason why should same course be not followed.

5. As such, counsel for respondent Nos.1 and 7, has raised objection on the ground of delay in approaching this Court, the said objection, however, will have to be overruled because the order impugned has been already set aside but against other defendants.

6. Accordingly, the writ petition is allowed. Impugned order dated 20.01.2023, passed below Exh.-45 by District Judge – 2,

Nagpur in Commercial Suit No. 32/2018, is quashed and set aside. The written statement filed by the petitioner shall be taken on record. The Court, thereafter, shall proceed further, in accordance with law.

7. The writ petition is disposed of in the above terms. No order as to costs.

(Anil L. Pansare, J.)

Kahale