



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 865 OF 2025

(Shri Madhukar s/o Parasram Chacharkar & Ors. Vs. Smt. Kamlabai wd/o Krushnarao Chacharkar & Ors.)

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

Court's or Judge's orders.

Ms Mahak Agrawal h/f Mr. S.N. Dongre, Counsel for the
petitioners.

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CORAM : ANIL L. PANSARE, J.
FEBRUARY 17, 2025

The challenge is to order dated 7/1/2025
passed below Exh. 25 by the Civil Judge Senior Division,
Umred, District – Nagpur, in Special Civil Suit No.
63/2023, thereby permitting the respondents – original
defendants to file written statement belatedly.

2] It appears that suit summon was served on
the respondents on 12/12/2023 and written statement
was filed on 12/8/2024. Thus, there is a delay of about
five months.

3] The learned Counsel for the petitioners
submits that day-to-day delay has been not explained.
The trial Court noted that defendant no.1 is 90 years old
and visited the Counsel's office to give instructions to
Advocate for drafting written statement.

4] Thus, it appears that the old aged person
failed to give instructions in time. The trial Court was of
the view that though day-to-day delay is not explained,
the suit being suit for partition and separate possession,

the written statement if allowed to be placed on record, will facilitate just and effective disposal of the suit. Accordingly, the trial Court allowed the defendants to file written statement subject to cost of Rs.1,000/-.

5] To my mind, the view taken by the trial Court is justified inasmuch as in the suit for partition and separate possession, it will be in the interest of the petitioner as well to have all the details before the Court for effective partition of the suit property.

6] In any case, the view taken cannot be said to be perverse and, thus, not amenable to supervisory jurisdiction under Article 227 of the Constitution of India.

7] The petition is dismissed in *limine*. No costs.

(ANIL L. PANSARE, J.)

Sumit