



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

WRIT PETITION NO. 5444/2024

Daga Infratech Private Limited & another
...VERSUS...

Shriniwas Girijsankar Jaiswal & another

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

Shri A.J. Gilda, Advocate for the Petitioner(s)
 Ms. G. Venkatraman, Adv a/w Shri M.K. Thakkar, Adv for the Respondents

CORAM:- M.S. JAWALKAR, J.
APRIL 02, 2025

. The present Petition is filed by the Petitioners challenging the order dated 13/03/2024 passed by the learned Trial Court by which the Application (Exhibit 29) filed by the present Petitioners came to be rejected. In the said Application, the Petitioners/Defendants sought relief of grant of time to file the written statement and reply till the decision on the Application for rejection of the Plaint. After rejection of the said Application, there was order below Exhibit 1 to proceed without the written statement.

(2) It appears that the Petitioners have already filed the Application on 01/03/2025 for setting aside the No W.S. order dated 13/03/2024 and

permission to file written statement (Exhibit 67). In the present Petition, same relief is sought for.

(3) Learned Counsel for the Respondents submitted that the Respondents have already extended no objection to the Application (Exhibit 67) for filing the written statement.

(4) In fact, the written statement ought to have been filed by the Petitioners along with the Application for setting aside the No W.S. However, at the request of learned Counsel for the Petitioners, two weeks' time is granted to file the written statement.

(5) Learned Trial Court is hereby directed to proceed in the matter after filing of the written statement by the Petitioners/Defendants as expeditiously as possible. If any Application for hearing on Exhibit 5 is moved by the Plaintiffs in the matter, the learned Trial Court shall consider the same.

(6) The Writ Petition stands **disposed of** in the above terms.

(7) Copy of this order duly authenticated by Private Secretary be given to the parties to act upon.

(M.S. JAWALKAR, J.)