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IN THE HIGH COURT OF BOMBAY AT GOA
WRIT PETITION NO.146 OF 2026

MAHENDRA NARAYAN TARI

... PETITIONER

Versus

JAI JAGAT JANANI SANTOSHI MATA
TRUST THR ITS CHAIRMAN

... RESPONDENT

Mr. Vilas P. Thali with Mr. Rasik Borkar, Advocates for the Petitioner.

Mr. Sameer Khedekar, Advocate for the Respondent.

CORAM:- VALMIKI MENEZES, J.

DATED :- 25th February, 2026

P.C.:

1. Registry to waive office objections and register the matter.
2. This is a petition in challenge to an order dated 26.06.2024, refusing to extend the time set out under Rule 1 of Order 8 CPC to enable the Defendant to file Written Statement.
3. The Defendant was served with summons of the suit on 30.11.2021 and was required to file his written statement within thirty days of having been served i.e. by 30.12.2021. On the returnable date of summons i.e. on 18.12.2021, the Defendant sought time; however, he thereafter filed an application under Order 7 Rule 11 CPC seeking

rejection of the plaint, and did not file a single application for extending the time to file Written Statement. The application under Order 7 Rule 11 CPC ultimately came to be dismissed on 18.02.2023. Even on that date, no application was filed to extend time to file the Written Statement. Ultimately, the application under Exhibit D-16 dated 25.04.2023 came to be filed by the Defendant seeking extension of time which was rejected by the impugned order.

4. Going by the timeline, set out under Rule 1 of Order 8 CPC, the Written Statement was required to be filed on 30.12.2021 or at the most within outer limit of 90 days i.e. by 23.03.2022. During this entire period, it is a matter of record that no application for extension of time was even filed by the Defendant to justify the filing of the Written Statement. It was only after the application under Order 7 Rule 11 came to be rejected on 18.02.2023, which is almost after one year and three months, after summons were served on the Defendant, that the application for extension of time to file Written Statement was filed, on 25.04.2023. The impugned order is therefore totally justified as no case was made out by the Defendant setting out reasons for seeking extension of time.

5. It makes the matter worst, as after rejection of the application at Exhibit D-16, the Defendant has filed second application at Exhibit D-20, once again seeking extension of time to file Written Statement. This time the Written Statement was placed on record of the Court

along with this application, which came to be rejected for cogent reasons set out in the second impugned order dated 16.06.2025.

6. Neither of these impugned orders call for interference, since they are well reasoned, and the rejection for extension of time to file the Written Statement is based upon the conduct of the Defendant, which clearly does not justify exercising the discretion to extend time to file Written Statement.

7. Consequently, the petition stands rejected. No order as to costs.

VALMIKI MENEZES, J.