IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3373 OF 2026

Amit Allabaksh Khan (Naikwadi)
and others .. Petitioners

Versus

Shabbir Abbas Mujawar and others .. Respondents

Shri Sharad T. Bhosale, Advocate for the Petitioners.
Shri Dhrupad Patil, Advocate h/f Shri Rugved Kinkar, Advocate for the Respondent Nos. 1 and 2.

CORAM : SHAILESH P. BRAHME, J.
DATE : 23 OCTOBER, 2026.

FINAL ORDER :

. Heard both litigating sides finally.

2. The petition is directed against order dated 16.03.2026 passed below Exhibit 98 and order dated 16.06.2026 passed below Exhibit 100 in R.C.S. No. 267 of 2023.

3. Learned counsel for the petitioners vehemently submits that the respondent Nos. 1 and 2 deliberately did not file written statement when they had knowledge of the suit. The respondent No. 2 had filed say to the application Exhibit 05, but did not endeavour to file written statement in time. The conduct of the respondents is objectionable because they created the third party

interest without filing written statement in time. It is further contended that the respondents are protracting the matter and taking undue advantage of the situation. It is further submitted that applications Exhibit Nos. 98 and 100 lack the adequate reasons and supportive material. Impugned orders are liable to be quashed.

4. Learned counsel Mr. Dhrupad Patil appearing for the respondent Nos. 1 and 2 submits that the written statements have been filed by his clients and they are ready to cooperate for expeditious disposal of the suit. It is further submitted that applications Exhibit Nos. 98 and 100 spell out the circumstances why written statement could not be filed.

5. I have considered rival submissions of the parties. I find that the Trial Court did not pass express order of foreclosing filing of the written statement. It appears that application Exhibit Nos. 98 and 100 are filed so as to enable the respondents to file written statements. In any case the implied or express order of no written statements have been quashed by the impugned orders. The written statements are taken on record.

6. I do not approve submissions of the learned counsel for the petitioners that the application Exhibit Nos. 98 and 100 do not spell out the reasons. Those cannot be doubted. I find that the learned Trial Judge has taken pragmatic and reasonable approach. However, while permitting the respondents to file

written statements cost should have been imposed. It is not that the respondent Nos. 1 and 2 were not aware of the proceedings. They had opportunity to file written statement in response to the summons.

7. For the reasons stated above, I find that no case is made out to entertain the writ petition. The writ petition is dismissed. However, the respondent Nos. 1 and 2 shall pay cost of Rs. 10,000/- (Rs. Ten thousands only) each to the petitioners – plaintiffs. The cost to be deposited within a period of four (04) weeks from today before the Trial Court.

[SHAILESH P. BRAHME J.]

bsb/Oct. 26