



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

WRIT PETITION NO. 3501 OF 2024
Sandeep S/o. Vishwalochan Jaini and another
Vs.
Smt. Godavari Dhote and others

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. S. Sitani, Advocate for petitioner.
Shri V. P. Mohod, Advocate for respondent no. 1 to 5.

CORAM :- M. W. CHANDWANI, J.

DATED :- 27.02.2026

Heard.

2. The petition challenges the order dated 15.04.2024 passed below Exh.42 by 3rd Jt. Civil Judge Senior Division, Nagpur in Special Civil Suit No. 881/2019, whereby the application filed by the petitioners for setting aside no written statement order has been rejected mainly on the ground that though the petitioners were served but no sufficient cause were shown by them for non-filing the written statement.

3. Heard learned counsel for the petitioners as well as learned counsel for respondents and having gone through the record. It appears that the petitioners has mentioned the pandemic prevailing in the country as the reason for not filing the written statement.

4. Needless to mention that the pandemic prevailed till March-2022 and it appears that still there is considerable delay in filing the written statement by the petitioners.

5. Be that as it may, the fact remains that the suit shall be decided on merits and for technical reasons, substantive justice cannot be denied. To decide the suit, it is necessary to grant permission to the petitioners to file written statement on record. So far as the delay in filing of the written statement is concerned, imposing costs on the petitioners will suffice the purpose. Hence, the following order:-

- i) The petition is allowed.
- ii) The order dated 15.04.2024 passed below Exh.42 by 3rd Jt. Civil Judge Senior Division, Nagpur in Special Civil Suit No. 881/2019 is quashed and set aside.
- iii) Application (Exh.42) filed by the petitioners is allowed subject to deposit of costs of Rs.10,000/- (Rs. Ten Thousand) with Tirora Bar Association, Dist. Gondia.

(M. W. CHANDWANI, J.)