

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2480 OF 2020

Suresh Maruti Nigade ..Petitioner
v/s.

Yogendra Keshav Nigade & Ors. ..Respondents

**WITH
WRIT PETITION NO. 2481 OF 2020**

Shashikant Maruti Nigade ..Petitioner
v/s.

Yogendra Keshav Nigade & Ors. ..Respondents

Mr. Rakesh S. Patil for the Petitioner/s.
Mr. Manoj M. Gadkari for the Respondent.

**CORAM : ANUJA PRABHUDESSAI, J.
DATED : JUNE 30, 2021.**

P.C.

1. With consent, heard finally at the stage of admission.
2. The Petitioner herein has challenged the order dated 09.07.2019, whereby the learned Civil Judge, Junior Division, Bhore, has declined to condone the delay in filing the written statement.

3. By order dated 02.04.2019, in Writ Petition No. 3183 of 2019, this Court had with consent set aside the ex-parte decree in Regular Civil Suit No.8 of 2014 and restored the suit to file subject to payment of cost of Rs.1,00,000/-. The cost was directed to be deposited within four weeks from the date of the order and the defendants were to file their written statement, if they so desired, within a period of four weeks from the date of restoration of the suit. Pursuant to the said order, Defendants deposited cost of Rs.1,00,000/- on 25.04.2019. The Defendants were therefore required to file their written statement by 25.05.2019. The only reason for not filing the written statement within this period is that the Court was on vacation. It may be mentioned that the Civil Court are not fully shut during the summer vacation. There is nothing on record to indicate that the Defendant had made any attempt to file written statement on or before 25.5.2019. The reason for not filing the written statement within time is therefore not justifiable. However, considering the statement of the learned Counsel for the Petitioner that the Defendant is ready to pay cost of Rs.50,000/-. And in the interest of justice, so as to enable the Petitioner to contest the suit on merits, the Defendants are

permitted to file the written statement within two weeks from the date of this order subject to payment of cost of Rs.50,000/- in each petition. The Petitions stand disposed of in above terms.

4. At this stage, learned Counsel for the Respondent has brought to my notice that by order dated 2.4.2019, this Court had directed the trial Court to dispose of the suit as expeditiously as possible and in any case by 30.06.2020. The trial Court was not in a possession to dispose of the suit within the schedule time frame in view of pendency of this writ petition. Considering the said fact and also considering the present situation arising from COVID 19 pandemic, time to dispose of the suit is extended till June 2022.

(ANUJA PRABHUDESSAI, J.)