

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

WRIT PETITION NO.2324 OF 2026

KAVITA VIJAY CHANDAK AND ANOTHER
VERSUS
VIJAY KHUSHALRAO PANCHABHAI

<i>Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders</i>	<i>Court's or Judge's orders</i>
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Mr. N.B. Bargat, Advocate for Petitioners.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATED : 18th MARCH 2026

1. Heard learned Advocate for the petitioners.
2. The petitioners' challenge is to the order dated 10.04.2025, passed by the trial court, rejecting the application for permission to comply the earlier order below Exhibit 18 and for setting aside the order of no written statement dated 02.05.2013.
3. Learned Advocate for the petitioners submits that although the trial court has earlier passed an order and allowed the petitioners-defendants to file on record their written statement, which was subject to costs of Rs.500/-, however, the same was not deposited in time and resultantly, the suit is proceeded without written statement of the defendants. He submits that the defendants are entitled to file their written statement so that the suit is decided on merits and it is a valuable right of the defendants.

4. It has to be noted that the entire conduct of the petitioners-defendants is not at all diligent and even the delay and laches in filing the instant petition shows their casual approach. However, only for exploring as to whether the conduct of the defendants is bonafide and they need to be granted an opportunity to file their written statement, the matter is being considered.

5. The petitioners are directed to deposit an amount of Rs.25,000/- (Rupees Twenty Five Thousand Only), in this Court, within a period of two weeks from today, to show their bonafides.

6. After the amount is deposited by the petitioners, issue notice to the respondent, returnable three weeks thereafter.

7. The petitioners are permitted to serve the respondent by private mode, in addition to regular mode of service, including service on the learned Advocate appearing on behalf of the respondent before the trial court and file affidavit of service in that regard by next date.

(PRAFULLA S. KHUBALKAR, J.)

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