



Regular Civil Suit No.26 of 2023
Arun Namdev Vs. Kishor Eknath
CNR No.MHJG050004042023

COMMON ORDER BELOW EXH.35 & 38

(Passed on 19/12/2024)

1] By these applications, the plaintiff has prayed for to pass no written statement order against defendant No.1 as he failed to written statement within the stipulated period.

2] Read the applications and say filed thereon by the defendant. Heard the learned Advocates of the respective parties. Perused record and the proceeding of the suit.

3] On perusal of the record and hearing the parties at length, it appears that defendant No.1 appeared in the suit but failed to file his written statement on record within the stipulated period and thus, he prayed for to pass no written statement order against him and proceed further with the suit in the interest of justice against which defendant No.1 opposed on the ground that he filed the written statement on record with application for delay condonation and thus prayed for to reject the same. It also appears from the record that defendant No.1 has filed the written statement on record along with an application seeking condonation of the delay and he does not appear to be defaulted in filing so. This fact itself demonstrates the defendant's intention to defend and contest the suit and as such, the right to a fair contest remains intact. In view of the above, it would be unjust and contrary to the principles of natural justice to accept the plaintiff's prayer to deny defendant No.1 an opportunity to contest the suit by passing a '*no written statement*' order. Such an order is unwarranted under the given circumstances. Accordingly, I find that the applications made by the plaintiff lack merit and deserve to be rejected. Thus, I pass the following order;

O R D E R

- 1] The applications (Exh.35 & 38) are hereby rejected.
- 2] Both the parties to note.

Place: Jalgaon.
Date : 19/12/2024.

(Kailash K. Chafale)
5th Jt. Civil Judge (Sr.Dn.) Jalgaon.