

ORDER BELOW EXH.28**(MHAH08000409-2022)**

This is an application filed on behalf of defendant No.8 for permitting her to submit written statement after prescribed time period. Defendant No.8 submits that, she failed to submit written statement within prescribed time period, though appearance made through advocate in response to service of suit summons. The delay caused for the same was not intentional. If the application is rejected, she will suffer irreparable loss, which cannot be compensated in terms of money. As such, she urged to allow application.

2. The plaintiff has opposed application by filing say on leaflet itself inter-Alia contending that, the contents of application and supporting affidavit are not true and correct; defendant No.8 had made appearance through advocate on 07/04/2022; there is about 10 month delay and she failed to submits written statement though reasonable an opportunity given by the Court. As such, the plaintiff has urged to reject application or in alternative sought for imposing costs of Rs.2000/-, if application is being allowed.

3. None appeared on behalf of parties, when called out. Thus, on considering the nature of application and the suit, application is taken for disposal on merit.

4. The contents of application are supported by an affidavit of defendant No.8 namely Maya Nitin Bhosale vide Exh.29. The copy of written statement cum say on temporary injunction application is enclosed with this application. It is matter of record, this defendant has made appearance in the suit on 07.04.2022 through advocate vide Exhs.21 to 23. It

seems that, the suit summons has been duly served to this defendant by registered post with acknowledgment (service date is not readable). This application is submitted on 16/02/2023. It seems that, there is about nine months delay for submitting written statement on the part of this defendant. The suit involved dispute among the parties in respect of agricultural landed properties situated at village Umbari, Tal. Sangamner, Dist. Ahmednagar. It always desirable to adjudicate such dispute on merit.

5. Roznama shows that, no written statement/say order yet to be passed against this defendant. No doubts, there were laches on the part of this defendant for filling written statement/say within prescribed time period after service of suit summons. However, the plaintiff can be compensated by imposing costs on this defendant. In view of above discussion, the application will have to be allowed, subject to imposing costs. Hence, I pass following order -

ORDER

1. Application (Exh.28) is allowed.
2. By setting aside no written statement/say order, defendant No.8 be permitted to submit the same subject to payment of costs of Rs.1000/- to the plaintiff.

Date :-03-04-2023.

(S. S. Budruk)
Jt. Civil Judge S. D.,
Sangamner.