

MHAH080007692023



ORDER BELOW EXH. 26 IN R.C.S. 413/2023

(Sunil Kolhe etc. Vs. Sopan Tambe etc.)

Perused the application and say filed by plaintiffs on it. Application is well supported by an affidavit at exh. 27. Heard both parties. Perused the record it appears that, suit is for specific performance of contract, permanent injunction and for other reliefs. The defendant no. 1 and 2 failed to file their written statement within stipulated period. Hence, no written statement order was passed against them on 31.10.2023. It further appears that this application for setting aside no written statement order is filed on 12.07.2024, whereas defendant no. 1 and 2 are duly served with suit summons on 20.07.2023 vide bailiff report vide Exh. 8. According to defendants, they are out of station for religious purpose, hence they are unable to file their written statement within stipulated period.

2. Reasons mentioned in the application not seems quite just. There is a delay of about 7 to 8 months. Delay is much. It is not properly explained. In order to solve the real dispute between the parties and for effective adjudication written statement of defendant no. 1 and 2 must be on record. Hence, in the interest of justice, I proceed to pass following order.

ORDER

1. The application (Exh. 26) is allowed subject to condition that, defendant No. 1 and 2 each shall pay costs of Rs. 500/- to plaintiff on or before next date without fail.
2. After the compliance of costs amount, the written statement of defendant no. 1 and 2 should be read & recorded.
3. No w.s. order passed on 31.10.2023 against defendant no. 1 and 2 is hereby set aside.

Sangamner
Date :22.08.2024

(K.K.Patil)
2nd Jt Civil Judge, Jr. Dn.,
Sangamner.