

**Vs.****Raosaheb Sukhdeo Godage etc.****ORDER BELOW EXH. 73 IN R.C.S. NO. 1032/2023**

Perused the application and say filed by plaintiffs on it. Heard both parties. Application is well supported by an affidavit filed at Exh. 74. Perused the record, it appears that, suit is filed for seeking relief of partition and possession in respect of the suit properties. The defendant No. 1 to 4, 6 to 11, 18, 20 to 22 are failed to file their written statement within stipulated period. Though, no w.s. order is not passed below Exh. 1, it is presumed to be passed. It further appears that, this application for set aside No W.S. order is also filed on 15.04.2026. It has been stated that, due to compromise talks in between them and unavailability of documents and information, they could not file their written statement within stipulated period.

2. Reasons mentioned in the application not seems quite just. Defendant No. 1 to 4, 6 to 10 have duly served with suit summons on 14.02.2023 vide Exh. 6 to 9, 11 to 15. Also, defendant no. 11, 18, 20 to 22 are appeared on 21.02.2024. There is a delay of more than three years and two years respectively. 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 to 4, 6 to 11, 18, 20 to 22 must be on record. However, at the same time the delay for the trial due to act of defendants can't be ignored. Hence, in the interest of justice, I proceed to pass following order.

ORDER

1. The application is allowed subject to condition that, defendant No. 1 to 4, 6 to 11, 18, 20 to 22 each shall pay costs of Rs. 1000/- (in total amount of Rs. 14,000/-) to the Taluka Legal Services Authority, Sangamner on or before next date. In default, the effect of order will be vacated.
2. No W.S. order passed against defendant No. 1 to 4, 6 to 11, 18, 20 to 22 is hereby set aside.
3. No order as to costs.

Sangamner
Date : 17.06.2026.

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