

MHAH170024902024



ORDER BELOW EXHIBIT 15.

By the present application, the original defendant is seeking to set aside the "No Written Statement" order. It is submitted that the defendant filed a written statement at Exhibit 10. However, since the written statement was not filed within the period of limitation, it was not read and recorded by the learned Court.

02. Thereafter, the defendant failed to file an appropriate application; therefore, a "no written statement" order was passed against it. On this basis, it is prayed that the "no written statement" order passed against the defendant be set aside.

03. The plaintiff, in their reply at Exhibit 17, objected to the application. It is submitted that the contents of the application are not true. The defendant is a government authority. With the sole intention of prolonging the matter, the defendant intentionally failed to file the written statement within the limitation period. Even thereafter, more than sufficient opportunity was given to the defendant, yet it failed to comply. On this basis, it is prayed that the application be rejected with heavy costs.

04. Heard both sides. Perused the record. It is clear that the defendant filed its written statement at Exhibit 10 on March 21, 2025.

However, as the defendant filed the written statement after the expiration of the period provided under the Civil Procedure Code (CPC), my learned predecessor, through a speaking order, directed that the written statement not be read and recorded.

05. Thereafter, the matter was consistently listed for compliance, but the defendant failed to take proper steps. Therefore, this Court, by its order at Exhibit 1 dated July 29, 2025, observed the above facts and circumstances and passed the "no written statement" order.

06. Thereafter, the plaintiff also filed the affidavit of evidence, and the matter was listed for cross-examination. It was at this stage that the defendant claims to have realized its mistake and preferred the present application.

07. In view of the above facts and circumstances, it is revealed that the defendant, despite being a statutory authority, has not taken the matter seriously. Initially, the defendant failed to file the written statement within the period of limitation. Even when it was eventually filed after the limitation period had expired, it was not supported by any application seeking permission from the Court to condone the delay or to accept the belated written statement. Even in the present application, the defendant has failed to provide any justification for not filing the written statement within the period specified by law. All of these facts clearly show the careless conduct of the defendant.

08. However, it is also necessary to consider that in the present suit, the plaintiff is seeking a declaration concerning the legal heirs of

Dhaval Sonawane. Since a declaration is sought, the defendant, being a representative of the government, is a necessary and competent party to oppose the claim. In such circumstances, the present application deserves to be considered liberally. However, considering the defendant's conduct, it is appropriate to impose exemplary costs. Hence, I pass the following order:

ORDER

- 1] The application is allowed, subject to costs of ₹3,000 (Rupees Three Thousand Only).
- 2] The defendant shall comply with this order on or before the next hearing date. In case of failure to do so, the application shall stand rejected for non-compliance.

Place : Rahata

Date : 28/10/2025

(Santosh R. Bharad)

2nd Jt. C.J.J.D. & J.M.F.C. Rahata