

MHAH170031272025

**RCS No.388/2025****Suresh Prabhakar Lokhande  
& Ors. Vs. Shaikh Shakil  
Abdul Gani & Ors.****ORDER BELOW EXH.23**

1. Defendant No.3 has filed present application for setting aside no written statement order. To avoid the repetition the contents of the same are not mentioned here.

2. Plaintiffs have opposed the application by filing say on overleaf of the application and submitted that application is false. Application is not maintainable. Application be rejected or costs of Rs.3000/- be imposed.

3. I have heard both sides. Perused record. Record shows that defendant No.3 was appeared on 19/09/2025. According to him he was ill meantime. Therefore, he could not file written statement in time. However, there is no documents to show that after service of summons till passing no written statement order he was ill. Therefore, the reason mentioned by defendant for his absence is not genuine and proper. However, the suit is for declaration, recovery of possession and perpetual injunction. Hence, opportunity needs to be given to defendant to file written statement to decide the suit on merit by imposing some costs on defendant. In the result, I pass the following order;

**ORDER**

1. Application is allowed.

2. Defendant No.3 is permitted to file written statement on payment of costs of Rs.500/- to the plaintiff.
3. Application is disposed off.

Date:- 17/03/2026

( N. N. Joshi )  
2<sup>nd</sup> Jt. Civil Judge Senior Division,  
Rahata, Dist.Ahmednagar

<b><u>CERTIFICATE FOR UPLOADING TO CIS</u></b>		
I affirm that the contents of this P.D.F File are same word to word, as per the original.		
Name of the Court	:	<b>Smt. Neha N. Joshi</b> 2 <sup>th</sup> Jt. Civil Judge Senior Division, Rahata, Dist.Ahmednagar.
Name of the Stenographer	:	<b>Amol S. Nannaware</b> Stenographer (Grade-II)
Dictated on computer	:	17/03/2026
Typed on	:	17/03/2026
Checked & Signed on	:	17/03/2026