

MHAH180026282024



**R.C.S.No.476/2024**

Dadasaheb Rabhaji Sonwane  
Vs.  
Ghanshyam @ Babasahe  
Sonwane & Ors.

**ORDER BELOW EXH.22**

This is an application filed by the defendant no.1 and 2 for set aside no WS order passed against them. It is submitted that, due to unavailability of important documents defendant could not file written statement within period of limitation and accordingly delay caused for filing written statement. If the application is rejected then defendant will suffer irreparable loss which could not be compensated in terms of money. Hence, prayed set aside no WS order passed against them.

2] The learned Advocate for the plaintiff has filed his say below Exh.30 and submitted that, the application is tenable and maintainable. Suit summons was served on dated 03/12/2024. Defendant appeared on same date. But has not filed their written statement till 03/03/2025 and accordingly no WS order was passed against defendant. Defendant has willfully avoid to file written statement within period of limitation. There is no justified reason mentioned in the application. Hence, prayed to reject the application with costs.

3] Perused the application and say. Perused the

entire record of the suit. Heard learned advocate for both parties. At the outset it is necessary to consider that plaintiff filed the suit for perpetual injunction. Suit summons was served to the defendant no.1 and 2 on dated 02/12/2024. They appeared on dated 07.07.2025. There is no justified reason mentioned in the application. As per record, no WS order is not passed against defendant no.1 and 2. The suit is for injunction. It is the settled principal of law that opportunity should be given to the both the parties for deciding the suit on merit. Suit is for perpetual injunction. Therefore, to decide the suit on merit it is necessary to come on record written statement of defendant no.1 and 2. No doubt, it causes inconvenience to the plaintiff but it can be compensated by affording reasonable costs. Accordingly, I Pass the following order.

**ORDER**

1.	Application (Exh.22) is hereby allowed subject to costs of Rs.300/- to the plaintiff.
2.	Written statement of defendant no.1 and 2 taken on record after the compliance of this order.

Date: 02/09/2025

**(Shri. P. H. Patil)**  
2<sup>nd</sup> Jt. Civil Judge (J.D.)  
Rahuri