

MHAH200019272021



REG.C.S NO.330/2021

Rambhau Bansode

Vs.

Uttam Yadav Bansode & Ors.

ORDER BELOW EXH.22.

1. Defendant No.1 has filed the present application along with affidavit (Exh.23) to set- aside No Written Statement Order passed against him.

2. It is contention of the said defendant that, he appeared in the suit however, due to illness he could not file Written Statement, within time, and therefore, No W.S. Order is passed on 16/07/2022. There is no deliberate delay, hence prayed to allow the application.

3. The plaintiff strongly objected the application by filing say on the application itself and prayed to reject the application. Heard both the sides.

4. It is not disputed that, there is delay to file written statement on record for defendant No.1. The defendant No.1 appeared in the suit and failed to file his written statement/say within time. Hence, order of No W.S. is passed. Considering the reasons mentioned in the application and to decide the matter on merit and interest of justice, I pass the following order :-

ORDER.

1. Application at Exh.22, is hereby allowed subject to cost of Rs.200/-.

.. 2 ..

2. The defendant No.1 is permitted to file his Written Statement/Say on record after payment of costs.

Date : 06.05.2024

(A.S. Birajdar)
Civil Judge Jr. Div.,
Pathardi.