

R.C.S. No. 175/2025

Pawan Khude Vs. Gorakh Khude
and Ors.

ORDER BELOW EXH.31

(Passed on 02nd day of February, 2026)

This is an application filed by the original plaintiff for permission to file his written statement to counter claim.

2. It is the contentions of the original plaintiffs that they could not receive relevant document withing time. Therefore, they could not file their written statement to counter claim within a stipulated time. Therefore, original plaintiff filed the present application for permission to file written statement to counter claim.

3. On behalf of original defendant No.4 filed say on overleaf of present application and mentioned subject to heavy costs may be allowed.

4. Heard both sides.

5. Perused the record. After perusal of record it appears that original defendant filed the counter claim for perpetual injunction.

6. Perused the record. It is the contentions of the original plaintiffs that plaintiffs could not receive relevant documents within time. Therefore, they could not file their written statement to counter claim within a stipulated time. It is pertinent to note here that reasons mentioned in the present application are not proper and genuine. However, the present suit and counter claim are relating to the immovable property. If the application is allowed no prejudice will cause to original defendant. Per contra it will avoid the multiplicity of the proceeding. For fair trial, it is

necessary to give an opportunity to the original plaintiffs to defend the counter claim. If an opportunity is not given to the original plaintiffs it will cause hardship to them. However, delay caused by the original plaintiffs for filing written statement to counter claim can be compensated by imposing costs on them. So in the interest of justice, I proceed to pass the following order.

ORDER

1. The application is allowed with costs.
2. The original plaintiffs are permitted to file their written statement to counter claim of original defendant No. 4 subject to payment of costs of Rs. 500/- (Rs. Five Hundred Only) to original defendant No. 4.
3. Original plaintiffs are directed to pay the costs to original defendant No. 4 on or before next date.

(Pronounced and dictated in open Court)

Date : 02/02/2026.

(R. B. Raut)
2nd Jt. Civil Judge, Junior Division,
Karjat, Dist. Ahmednagar