

ORDER BELOW EXH.17 IN R.C.S. NO. 261/2025

Present application has been placed on behalf of defendants no.1 to 3 for setting aside “No written statement” order passed against them along with permitting them to submit their written statement. Plaintiff has resisted the application by filing his say. Perused the application and say. Heard, learned advocates appearing for both the parties. From the record of present suit, it appears that on 09/10/2025, defendants no. 1 to 3 are served with the suit summons. Therefore, written statement of defendants no.1 to 3 ought to have been submitted atleast till 07/01/2026. Delay of one month appears to have been caused for submission of written statement of defendants no.1 to 3. However, grounds as contended in present application, seems to be justifiable and well founded. Moreover, through present suit, plaintiff has sought the relief of perpetual injunction against defendants. Considering the nature of relief sought by the plaintiff and involvement of immovable property in the suit, present suit is required to be decided on merit by giving fair opportunity of being heard to defendants no.1 to 3. So far as provision of Order VIII Rule 1 of Code of Civil Procedure, 1908 is concern, said provision is not mandatory but same is directory in nature and defendants can be permitted to submit their written statement even after expiry of period of limitation, if their exists unavoidable circumstances preventing the parties from submission of written statement within stipulated period. Therefore, in view to decide the present suit on merit and to give fair opportunity of being heard to defendants no.1 to 3, they need to be permitted to submit their written statement. Hence, I pass following order :-

:: **ORDER** ::

1. Application at Exh.17 is allowed.
2. "No written statement" order passed against defendants no.1 to 3 stands set aside and they are permitted to submit their written statement, subject to cost of Rs.500/-, payable to the plaintiff.

Shrigonda
Date :- 09/02/2026

(**H. J. Pathan**)
2nd Jt. Civil Judge, S.D., Shrigonda.