

MHAH230006392024



Dhanaji Bajirao Mhaske

Vs. Popat Shankar Mhaske

Order below Exh. 28 in R. C. S. No. 257/2024

Defendant no. 1 filed this application to set aside the no written statement order passed against him. According to the defendant, he is illiterate person. He is old person. Therefore, he not provided information to his learned Advocate for preparation of written statement. Therefore, delay is caused to file the written statement. Delay is not intentional. To decide the matter on merit and in the interest of justice no written statement order needs to be set aside. Lastly, prayed for allow the application.

2. Plaintiff filed his say below application and objected application stating that, defendant no. 1 filed application giving false reasons. Therefore, application is not maintainable. Hence, prayed for reject the application.

3. This is suit for removal of encroachment, fixation of boundaries and injunction. Defendant no. 1 appeared in January 2025. This application filed on 09.07.2025 almost more than 7

months defendant no. 1 failed to file his written statement to decide the suit on merit. Written statement of the defendant no. 1 is necessary on record. Admittedly, plaintiffs suffered by delay. Plaintiff will be compensated by way of cost. Hence, following order:-

ORDER

Application at Exh. 28 is allowed, subject to Rs.800/- cost to be paid to plaintiff.

Place : Shrigonda
Date: 07.08.2025

(R. B. Khawale)
2nd Joint Civil Judge Junior division,
Shrigonda