

MHAH080022742023 Gorakshnath Nivrutti Godage etc.



Vs.

Raosaheb Sukhdeo Godage etc.

**COMMON ORDER BELOW EXH. 48 AND 50 IN R.C.S. NO.
1032/2023**

Perused the applications and say filed by plaintiffs on it. Heard both parties. Application is well supported by an affidavit filed at Exh. 49 and 51 respectively. Perused the record, it appears that, suit is filed for seeking relief of partition and possession in respect of the suit properties. The defendant No. 26 has failed to file his written statement within stipulated period. Though, 'No W.S.' order is not passed against him, but it is presumed to be passed. It further appears that, this applications for setting aside 'No W.S.' order is also filed on 24.09.2024, whereas defendant No. 26 has duly served with suit summons on 13.02.2024 vide bailiff report at Exh. 31. It has been stated that, due to unavailability of documents he could not file his written statement within stipulated period.

2. Reasons mentioned in the application not seems quite just. There is a delay of near about four months. Delay is much. It is not properly explained. In order to solve the real dispute between the parties and for effective adjudication written statement of defendant No. 26 must be on record. However, at the same time the delay for the trial due to act of defendant No. 26 can't be ignored. As well as

suffering caused to plaintiffs can't be ignored. Hence, in the interest of justice, I proceed to pass following order.

ORDER

1. The application is allowed subject to condition that, defendant No. 26 shall pay costs of Rs. 200/- to Taluka Legal Services Authority, Sangamner on or before next date. In default, the effect of order will be vacated.
2. On compliance defendant No. 26 is permitted to file his written statement on the record.
3. No W.S. order passed against defendant No. 26 is hereby set aside.

Sangamner
Date : 09.05.2025.

(K. K. Patil)
2nd Jt Civil Judge, Jr. Dn.,
Sangamner.