

RCS No. 153/2024
Maniknath Sansthan Vs. Vishnu Thosar
CNR No. MHAK060029412024

ORDER
(Below Exh.17)
(Passed on 20.02.2025)

By way of this application, the defendant has prayed to grant him further time to file written statement and reply. According to defendant, he has not yet received some material information and documents. Therefore, he is unable to file his written statement and reply.

2. Per contra, the plaintiff filed his say overleaf the application contending that defendant has appeared in the suit on 19/11/2024, copies of documents relied by plaintiff are already on record since institution of the suit. However, plaintiff failed to collect it.

3. Heard ld. Advocates for both the sides. Perused the application, say and documents on record.

4. Record reveals that defendant suo-moto appeared in the suit on 19/11/2024, when he came to know about grant of ex-parte injunction against him dtd. 13/11/2024. On the same day, he appears to have filed application seeking time to file his written statement and reply as he had suo-moto appeared and not served with suit summons and notice. Accordingly, time was granted to the defendant. Thereafter, on 17/12/2024 the defendant again filed application seeking time to file his written statement and reply on

the same ground that he is not yet received copies of documents relied upon by the plaintiff. Thereafter, on 17/01/2025 also, the defendant appears to have to file third application seeking time to file his written statement and reply on similar ground that he has not yet collected material information and documents.

5. Record further reveals that on both the dates i.e 17/12/2024 and 17/01/2025, time was granted to the defendant to file written statement and reply. Today also, defendant rather filing his reply preferred to move present application seeking time to file written statement and reply till next date on the very same ground that was cited by him on last three occasions that he has yet to collect material information and documents.

6. Record also reveals that along with plaint, copies of the documents (mentioned in documents list Exh.3) relied upon by the plaintiff, appears to have had supplied by the plaintiff on record along with his plaint as contemplated under Order VII Rule 9 of CPC. Had the documents not filed on record then the suit would have been dismissed under Order IX Rule 2 of CPC. Therefore, the documents asked being already on record since institution of the suit, the defendant was duty bound to collect the documents on his suo-moto appearance that is on 19/11/2024 or immediately thereafter on next date. However, the defendant appears to have received the copies of documents on today itself vide his remark below Exh.3 and meantime he preferred to move applications seeking time to file written statement for want of documents.

7. Be that as it may, considering appearance of the defendant on 19/11/2024, he was not supposed to be served with formal summons of the suit. Therefore, ground taken by the defendant that he received documents today itself, cannot be helpful to grant him further time to file written statement especially when he has already exhausted maximum time period of 90 days to file written statement as contemplated under Order VIII Rule 1 of the CPC. Therefore, I pass following order;

ORDER

- I) Application Exh.17 stands rejected.
- II) Necessary order with regard to no written statement passed below Exh.1.

Date : 20.02.2025
Place : Akot.

S.d/-
(A.A. Mali)
2nd Jt Civil Judge (Jr.Dn), Akot.

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Order/Exh.17

CERTIFICATE

I affirm that the contents of this P.D.F file order are same word to word as per the original order.

Name of Stenographer	:	P. N. DURATKAR
Court Name	:	2nd Joint Civil Judge (Jr.Dn.) & JMFC., Akot.
Date of decision	:	20/02/2025.
Order Signed by PO on	:	20/02/2025.
Order Uploaded on	:	21/02/2025.