



R.C.S No. 153/2024  
Maniknath Sansthan Vs.  
Vishnu  
MHAK060029412024

**ORDER**  
**(Below Exh.01)**  
**(Passed on 15.04.2025)**

By way of this application defendant has prayed to set aside No Written Statement order dated 20/02/2025 passed below Exh. 01.

2. Heard both the sides. Perused the application, say and documents on record. It is submitted on behalf of the defendant that he had filed an caveat application. He did not receive Summons. On last date the defendant received the documents. Therefore, he could not filed his written statement. In the result no written statement order is passed by the Court. It is further submitted that, it is necessary to set aside the subject order else, it will cause irreparable cause to the defendants.

3. Per Contra, Ld. Advocate for plaintiff filed his say overleaf the application contending that no cogent reason is cited. Hence, the application be rejected.

4. Perusal of plaint reveals that defendant appeared in a suit on 19/11/2024. Despite of opportunity he had failed to file his written statement No Written Statement Order in question was passed. However, it is settled law that no man should be condemned unheard. If the defendant is permitted to file his say, it is not going to cause any prejudice to the plaintiff rather it is going to help the court to decide the controversy on

merit. Therefore, considering these facts and circumstances, Hence, I pass the following order;

**ORDER**

1. The application Exh. 20 is allowed.
2. On payment of aforesaid cost No Written Statement Order dated 20/02/2025 passed below Exh. 01 stands set aside.
3. Written Statement filed by the defendant stands read and recorded.

Date : 15.04.2025

Place : Akot.

**S.d/-**

(A.A. Mali)

2<sup>nd</sup> Jt Civil Judge (Jr.Dn), Akot.

Tq. Akot, Dist. Akola.

**RCS No. 153/2024**  
**Order/Exh. 01**

**CERTIFICATE**

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

Name of Stenographer	:	P N. DURATKAR
Court Name	:	2 <sup>nd</sup> Joint Civil Judge (Jr.Dn.) & JMFC, Akot, Tq. Akot, Dist. Akola.
Date of decision	:	15/04/2025.
Order Signed by P.O on	:	15/04/2025.
Order Uploaded on	:	16/04/2025.