RCS No.20/2013
Chandrabhan.Vrs. Pundlik

Order Below Exh.23.
(Passed on 05/04/2016)

01]   The defendant no.1 to 3 filed the application for grant permission to file their written statement on record. It is the contention of defendants that they have appeared through advocate on 05/04/2013 but the defendants are not provided information and they have not aware about the statutory period. Hence, they could not filed the written statement within the period. Hence, prayed for grant of permission. On the other hand, the plaintiff has submitted that the application is filed with intention to prolong the matter. Already the suit proceed without statement as per the order dated 31/07/2013. Hence, he prayed for the application kindly be rejected.

02]   It is pertinent to note here that the defendants no. 1 to 3 filed this application after three years. The delay is very long. It is pertinent to note here that the written statement shall file within 30 days from the date of service of summons which shall not later than 90 days from the date of service of summons. The said provision is a directory provision. No doubt, there is a delay to file the written statement by the defendants no.1 to 3. The said delay can be taken into consideration by imposing the cost. To decide the matter on merit the written statement on record is essential. If the application is not allowed at this stage, the multiplicity of proceeding will arise in future. The written statement on record is a necessary to adjudicate the issue which is raised by both the parties. Hence, I pass the following order.

Order

1)   The application is allowed subject to cost of Rs.1000/-.

2)   It is further directed to defendants no.1 to 3 to pay the said cost to the plaintiff today itself.

Sd/-
(B.M. Kale)
Civil Judge (J.D.), Balapur.

Certificate

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

Name of Steno	:	S.V. Indane.
Court Name	:	C.J.J.D. & J.M.F.C., Balapur.
Date	:	05/04/2016.
Signed by Presiding Officer on	:	05/04/2016.
Uploaded on	:	05/04/2016.