

**ORDER BELOW EXH.104**

Under this application, defendant Nos.1 and 2 have urged to set aside "No Written Statement" order passed against them below plaint (Exh.01) on 03.12.2012 and accept their written statement enclosed herewith. According to them, defendant No.1 is old aged person and suffering from Heart, Blood Pressure, Diabetes etc. serious diseases. Defendant No.2 being a son used to lookafter medical treatment of defendant No.1. Likewise, they could not collect necessary documents timely. Thus, the delay caused for filing written statement on their behalf. It was not intentional on their part. Hence, they have urged to allow application.

2. The plaintiffs have opposed application by filling say on behalf of their learned advocate on leaflet itself. According to them, reasons given in the application are false. There is about 13 years delay intentionally caused by these defendants. Hence, they urged to reject application.

3. Heard, the learned advocate Mr. B. R. Dak, for defendant Nos.1 and 2 and Mr. V. S. Joshi, for the plaintiffs. They have argued almost all the facts, which are pleaded by their respective parties, as referred supra.

4. Perused application, say and record of the case, minutely. The contents of application are supported by an affidavit of defendant No.1 namely Rukminbai w/o. Sukhdevrao Ranjwan vide Exh.105. It is matter of record, the suit has been

ordered to be proceeded without written statement against these defendants vide order passed below plaint (Exh.1) on 03/12/2012. Thereafter, this application is filed on 04/08/2025 i.e. after more than 12 Years and 08 months. The suit is contested by defendant No.3 to 7 and 8 & 9 by filing written statements at Exh.68 and 78 respectively. The issues have been casted on 29/04/2017 vide Exh.70 i.e. more than 08 yeas ago. It seems that, evidence of the plaintiffs is already commenced by filing affidavit of plaintiff No.1 namely Ashok Sukhdev Ranjwan on 29/07/2017 in lieu of examination-in-Chief vide Exh.73. It appears that, said evidence affidavit came to be not pressed on behalf the plaintiffs on 01/07/2025 on being he goes to missing since long.

5. The suit is instituted for a decree of partition, separate possession of share, declaration regarding alleged registered sale deed is not binding on the plaintiffs etc. It pertains to note that, there is considerable delay caused for filing this application to set-aside said "No Written Statement" order passed against these defendants. Likewise, they have not placed on record documentary evidence in support of the grounds set-out in the application. The defendants are under obligation to submit written statement within thirty days from the date of service of suit summons, in terms of provisions of Order-VIII, Rule-1 of the Code of Civil Procedure, 1908. Likewise, proviso introduced thereunder by virtue of amendment of 2002, the Court may by recording reasons in writing extend time for submitting the same, but which shall not be later than ninety days from the date of service of summons to

the defendants. Needless to say that, the said amendment introduced with object to curtail delay caused for disposal of the civil suits on merit. If, such inordinate delay caused for filing written statement without reasonable and sound grounds/reasons, very purpose of said amendment will be frustrated. The grounds set-out in the application are neither found sound nor supported by documentary evidence.

6. In view of foregoing discussion, the application is liable to be rejected on being filed at very belated stage and after considerable inordinate delay. In the result, I pass the following order.

ORDER

The application (Exh.104) is rejected with costs.

Date :- 24/09/2025.

(S. S. Budruk)
Civil Judge Senior Division,
Majalgaon.

CERTIFICATE

The contents of above order is/are word to word same and found correct in this pdf.

Dictated on : 24/09/2025.
Typed on : 24/09/2025.
uploaded on : 24/09/2025.

Sd/-
(H.B.Suryawanshi)
Steno-Gr.II
C.J.S.D.Majalgaon.