

MHBI080010902022

R.C.S. No.280/2022

Ferzana Begam+1 Vs. Shaikh Maksud+8

ORDER BELOW EXH.25

This is an application filed on behalf of defendant Nos.4 to 7 for setting aside "No Written Statement" order passed against them below plaint (Exh.1) on 28/11/2023 and accept written statement enclosed herewith. As per application, these defendants are used to reside at different places, whereas defendant No.7 is now serving at Delhi. Therefore, they could not submit written statement within prescribed time period for want of mutual communication. The delay caused to that effect was not intentional on their part. Hence, they have urged to allow application.

2. The plaintiffs have opposed application by filling say on leaflet itself through their learned advocate. According to them, these defendants have not intentionally submitted written statement timely. The contents of application are false and fabricated. Hence, they have urged to reject application or in alternative prayed for imposing costs of Rs.5,000/-, if the application is being allowed.

3. None appeared on behalf of the parties for tendering an argument, when called out at 3.55 p.m. On considering the nature of suit and the application, it taken-up for disposal on merit.

4. Perused application, say and record of the case, minutely. The contents of application are supported by an affidavit of defendant No.7 namely Shaikh Wasim Babajani vide

Exh.26. It is matter of record, these defendants have made appearance in the suit through advocate on 16/02/2023 vide Exhs.12 to 14. As such, they ought to have submit written statement in first week of June-2023 re-opening of the Court after insuing summer vacation. The present application is filed on 25/04/2025. As such, there is near about 02 years delay caused.

5. The suit is instituted for a decree of partition and separate possession of share of suit land etc. The subject matter of the suit is an agricultural landed property as described in paragraph No.1 of the plaint (Exh.1). Its always desirable to adjudicate such dispute on merit by expending an opportunity of being heard to both parties. It is matter of record, adoption pursis duly signed by these defendants for accepting written statement filed on behalf of defendant Nos.1 to 3 at Exh.17, is annexed with this application itself. The case is more than 03 years old. Thus, the application deserves to be allowed, with costs. In the result, I pass the following order.

ORDER

- 1) The application (Exh.25) is allowed, subject to costs of Rs.1000/- payable to the plaintiffs.
- 2) By setting aside “No Written Statement” order dated 28/11/2023 passed below plaint (Exh.1) against defendant Nos.4 to 7, they are permitted to submit written statement adoption pursis, as sought for.

Date :- 17/04/2026.

(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 : 17/04/2026.
Typed on : 17/04/2026.
uploaded on : 17/04/2026.

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