

MHBI080010982022



R.C.S.NO.281/2022  
Madhukar+1 Vs. Tahsildar+8

**ORDER BELOW EXH.55**

Under this application, defendant No.4 has urged to set aside no written statement order passed against him below plaint (Exh.01) on 20.10.2022 and accept his written statement enclosed herewith. As per application, he could not file written statement timely. He is old aged person and could not get relevant documents from the office of Tahsildar, Majalgaon, timely. The delay caused to that effect was not intentional on his part. He will cause irreparable loss, which cannot be compensated in terms of money, if the application is rejected. Per contra, the court will be able to dispose off the suit on merit, if the application is allowed. Hence, he urged to allow application.

2. The plaintiffs have opposed application by filing say on leaflet itself through their learned advocate. According to them, delay caused on the part of these defendants was intentional and the reasons set-out in the application are false. Hence, they urged to reject application or in alternatively prayed for imposing heavy costs.

3. Heard the learned Advocates for both sides. They argued almost all the facts, which are pleaded by their respective parties, as mentioned supra.

4. Perused application, say and record of the case, minutely. The contents of application are supported by an affidavit of defendant No.4 Vishwambhar Nanasahab Solanke enclosed therewith. Record shows that, the suit summons is

duly served to this defendant as on 21.07.2022 vide Exh.11. As such, he ought to have submit written statement on or before 21.10.2022. However, he filed present application on 07.01.2023. Thus, there is near about two and half months delay caused for filling written statement on the part of this defendant.

5. The suit is instituted for setting aside order passed by defendant No.1/Tahsildar, Majalgaon in file No.2021/जमा-२/कावि.-143 regarding field way in question. Its always desirable to adjudicate such dispute on merit by expending an opportunity of being heard to both parties. It is the matter record, written statement proposed to be placed on record, is annexed with application. There is no question to cause prejudiced to the plaintiffs, if the application is allowed, as they can contest the suit on merit. Hence, the application deserves to be allowed subject to imposing costs. In the result, I pass the following order.

### **ORDER**

- 1) The application (Exh.55) is allowed.
- 2) By setting aside “no written statement order” passed against defendant No.1 below plaint (Exh.04) on 20.10.2022, he is permitted to submit written statement, subject to cost of Rs.300/- (Rupees Three Hundreds Only) payable to the plaintiffs.

sd/-

(S. S. Budruk)

Civil Judge Senior Division,  
Majalgaon.

Date :- 10/07/2025.

**CERTIFICATE**

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

Dictated on : 10/07/2025.  
Typed on : 10/07/2025.  
uploaded on : 10/07/2025.

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