

**R.C.S. 556/2023**  
**Sureka Vs. Janardhan**  
**ORDER BELOW EXHIBIT – 16**

1. This is the application filed by defendants to condone the delay for filing their written statement and for grant of permission to file their written statement on record.
2. Defendants contended that, due to unavailability of some important documents they could not file their written statement on record. Now, they are ready to file their written statement. Hence, they prayed for grant of permission.
3. By filing say plaintiff opposed the application contending that, summons to defendants was served on 13.07.2023. Defendants appeared on 28.07.2023 but on 12.10.2023 No W.S. order was passed against defendants. Hence, plaintiff sought for rejection of this application.
4. Perused the record. It appears that, summons to defendant No. 1 to 3 were served on 12.07.2023 and all the defendants appeared on 28.07.2023 but they have not file their written statement within statutory period. Therefore, vide order dated 12.10.2023 No W.S. order against defendant No. 1 to 3 and vide order dated 29.11.2023 No W.S. order against defendant No. 4 was passed. This application is filed on 20.02.2024 i.e. after more than seven months from the date of appearance of the defendants. Defendants have not shown any sufficient reason for not filing their written statement on record within limitation period. This suit is filed for grant of maintenance and keeping

charge over suit property and for perpetual injunction. Therefore, considering the nature of proceeding I am of the view that, the defence of the defendants is required to be brought on record. The delay caused for filing their written statement can be compensated by imposing cost. Therefore, in the interest of justice I proceed to pass following order.

### **ORDER**

1. This application is allowed on payment of cost of Rs.1000/- to the plaintiff on or before next date.
2. On Payment of cost amount No W.S. order against defendant No. 1 to 3 dated 12.10.2023 and against defendant No. 4 dated 29.11.2023 will be set aside and they will be permitted to file their written statement.
3. If the defendants failed to pay cost amount, this order shall be deemed to be vacated.

**Date : 06-07-2024**

**( S. P. Wankhade )  
Civil Judge J. D., Georai.**

I affirm that the contents of this PDF file are word to word as per original order.

Dictated on : 06/07/2024

Transcribed on : 06/07/2024

Checked & signed on : 06/07/2024

Sd/-  
( V. V. Mandve )  
Stenographer Grade- 3  
C.J.J.D & J.M.F.C., Georai.