

**ORDER BELOW EXH. 18 IN**  
**RCS NO. 649/2024**  
**( Vasaram Vs. Uddhav)**

1. This is the application filed by the defendant No. 4 to take on record the pursis filed by him regarding acceptance of written statement and say on application for temporary injunction and application for appointment of Court Commissioner filed by defendant No. 1 to 3. He contended that, defendant No. 1 to 3 have filed their written statement and say to the application for interim injunction on 17.12.2024 at Exh. 13. They have filed their written statement and say within limitation period. He was out of station on that day. Therefore, he could not filed his written statement and say to the application for interim injunction on that day. However, No W.S. order against him is not yet passed. He had filed pursis regarding acceptance of written statement and say for interim injunction filed by defendant No. 1 to 3. His pursis though not within limitation period but as No W.S. order not passed against him he prayed to accept his pursis.

2. By filing say plaintiff opposed the application contending that, on 14.02.2025 statutory period for filing written statement was over. The pursis filed by defendant No. 4 is not within limitation period. Therefore, it is not tenable. Hence, plaintiff sought for rejection of this application.

3. Perused the record. It appears that, summons to defendant No. 4 was served on 23.09.2024. Defendant No. 4 appeared on 07.10.2024 but has not filed his written statement. However, No W.S. order was not passed against him. He had filed pursis regarding

acceptance of written statement, say on application for interim injunction and application for appointment of Court Commissioner on 16.01.2025. This suit is filed for declaration of ownership and for perpetual injunction. Considering the nature of suit and the reason mentioned in the application I am of the view that one opportunity is required to be given to the defendant No. 4 to bring his defence on record which was filed by defendant No. 1 to 3 and defendant No. 4 wants to accept it. No prejudice would cause to the plaintiff. The delay caused can be compensated by imposing cost. Hence, in the interest of justice I proceed to pass following order.

**ORDER**

1. This application is allowed on payment of cost of Rs.200/- to the plaintiff on or before next date.
2. On Payment of cost amount pursis filed by the defendant No. 4 on 16.01.2025 regarding acceptance of written statement and say on application for interim injunction and application for appointment of Court Commissioner will be treated to be also filed by defendant No. 4.
3. If the defendant No. 4 fails to pay cost amount this order shall be deemed to be vacated.

**Date : 14/02/2025**

**( S. P.Wankhade )  
Civil Judge, Junior Division,  
Georai**

**Certificate**

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

Dictated on : 14/02/2025

Transcribed on : 14/02/2025

Checked & signed on : 14/02/2025

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