

ORDER BELOW EXH. 47 IN
RCS NO. 631/2020 (I.A. No.1/2023)
(Vijaya Vs. Dadasaheb)

1. This is the application filed by the defendant no. 1 for grant of permission to file his written statement on record.

2. Defendant no. 1 contended that, plaintiff is his daughter therefore he tried to compromise the matter out of Court. But, compromise cannot be occurred. Thereafter due to corona situation he could not file his written statement within limitation period. After amendment carried out by the plaintiff in her plaint he could not get amended copy of plaint. Hence, he could not file his written statement. Suit being related to the immovable property his defence is necessary to be brought on record. Hence, he prayed for grant of permission to file his written statement.

3. By filing say plaintiff opposed the application contending that, to prolong the matter defendant no. 1 has not filed his written statement within limitation. No proper reason is shown by defendant no. 1. Hence, plaintiff sought for rejection of this application.

4. Perused the record it appears that, suit is filed for partition and separate possession. Due to not filing written statement within limitation my learned predecessor vide order dated 13.01.2022 proceeded this suit without written statement of defendant no. 1. Defendant no. 1 has filed this application on 17.06.2023. Therefore, it appears that after passing of "No W.S." order defendant no. 1 has filed this application after about 16 months. Defendant no. 1 has not produced any document in support of his contentions regarding his

illness on record. However, considering the nature of the proceeding it is necessary to bring on record the defence of the defendant no. 1 by filing his written statement. 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.1000/- to plaintiff on or before next date.
2. On Payment of cost amount "No W.S." order against defendant no. 1 dated 13.01.2022 will be set aside and he will be permitted to bring his written statement on record.
3. If the defendant no. 1 fails to pay cost amount this order shall be deemed to be vacated.

Date : 03/11/ 2023

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

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

Dictated on : 03/11/2023

Transcribed on : 03/11/2023

Checked & signed on : 03/11/2023

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