

MHBI160002252012



**Order below Exh.52 in RCS No.54/2012**

(Nijam Vs. Badshaha & Ors.)

Defendant No.1 moved this application with prayer to set aside no written statement order passed against him.

2. It is contention of the defendant No.1 that, in the present suit is filed for partition and injunction. Defendant No.1 was appeared in this suit, but he is blind and naive. Hence, he could not file his written statement on record. Resulting, the court has passed order below Exh.1 on 06/02/2018 and present suit is proceeded further without written statement of defendant No.1.

3. Defendant No. 1 further contended that, now he is ready to contest the suit by filing his written statement. Suit is relating immovable property. Presentation of written statement by defendant no. 1 is necessary. If such permission is not granted then, defendant No. 1 will suffer irreparable loss. Defendant no. 1 has not caused deliberate delay to this suit. Delay caused by defendant no.1 is not a intentional delay. With this, defendant no. 1 prayed to set aside no written statement order passed against him.

4. Plaintiff has filed his say below the same application and opposed it. It is contention of plaintiff that, present application is filed after the 8 years. Application of defendant is not supported by proper reasons. Hence, plaintiff submitted to reject this application.

4. Perused the application and say along with record of the suit. Heard Ld. Advocates for both sides. The present suit is filed for partition and injunction. Record shows that, this suit is more than 10 years old. Defendant No. 1 is appeared in this suit in the year 2014.

But, he failed to file written statement within limitation. Hence Court has passed order on 06/02/2018 and proceeded further without written statement of defendant No. 1. It shows that more than 11 years delay has been caused by defendant no. 1 for filing written statement.

5. All Above discussion shows that defendant No.1 has caused huge delay for filing his written statement. As per the application of defendant No. 1, he is blind and naive. Considering all these reasons, defendant No. 1 ought to have file documents in support of his reasons. But, defendant No. 1 has not filed single of document relating to his reasons for delay. Hence, I did not find merit in reasons assigned in this application.

6. As stated above suit is more than 10 years old. In the present application, reasons mentioned for delay and setting aside no written statement order are not proper and reasonable. Application is not supported by documentary evidence. It is settled principle of law that while deciding application relating condonation of delay and setting aside no written statement order, liberal approach needs to be taken. But, application should be supported by reasonable, sufficient and bonafide grounds to condone the delay. As stated above, present application is not supported by documentary evidence to condone delay of such a long period of ten years. Therefore, I hold that in the present case reasons assigned by defendant No. 1 are not acceptable, sufficient and bonafide to condone huge delay of 10 years. Defendant No. 1 is failed to explain proper reasons for delay. There are specific directions by the Hon'ble High Court to dispose of old cases as early as possible. Hence, considering discussion, I did not found any merit in the application. In the result, I pass following order.

**Order**

1. Application is hereby rejected.
2. Parties to note.

Date :30/06/2025

**(A.S. Jagtap)**  
Civil Judge, Jr. Division  
Shirur Kasar.

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

Dictated on : 30/06/2025  
Transcribed on : -----  
Checked & signed on : 30/06/2025

**[Sagar S. Ajabe]**  
Stenographer Grade-3