

**ORDER BELOW EXH.26**

(Passed on 19.09.2025)

The learned advocate for the defendant nos. 1 to 3 has filed this application setting aside no written statement order dated 12.03.2025 and permission to file written statement. The application is strongly resisted by the plaintiff by filing reply vide Exh.27. Perused the application, say and the record. Heard learned advocates.

2. The learned advocate for the defendant nos.1 to 3 submitted that, the defendant No.1 is old age lady and other defendants were unaware about proceeding about the filing of the written statement. Further, due to non availability of some important documents they could not file written statement within statutory period. Therefore, now in order to decide the suit on merit, the defendant No.1 to 3 deserves an opportunity to present their side. Hence, prayed for setting aside no written statement order passed on 12.03.2025 below Exh.1 & permission to file written statement.

3. On the contrary, the learned advocate for the plaintiff submitted that the reasons mentioned in the application are false. The present application is not maintainable. The defendant No.3 was duly served the notice on 27.09.2024 vide Exh.20 & the defendant No.1 is served on 26.12.2024. However, inspite of service of summons they could not file written statement on record. There are no appropriate reason for filing belated application. The defendant No.1 to 3 are trying prolong the matter in order to harass the



plaintiff. Therefore, prayed that the application be rejected with costs.

4. As a matter of record, the case is of the year 2024. Today the defendant nos. 1 to 3 are ready to appear and file their written statements therefore the delay in the said matter can be compensated. Opportunity of presenting their side is important to ensure opportunity of fair trail. The same is further necessary to decide the real controversy between the parties at once on merits and for avoiding multiplicity of the proceeding. Inconvenience, at all, caused to the plaintiff, can be very well compensated. In the circumstances, the defendant nos. 1 to 3 deserves a fair opportunity to contest the suit. Hence, I proceed pass following order.

ORDER

1. The application is allowed.
2. The order of proceeding further without written statement passed below Exh.1 on 12.03.2025 is set aside.
3. The defendant nos. 1 to 3 are hereby permitted to file written statements subject to cost of Rs.1,000/- (One Thousand only) which shall be paid to the plaintiff on next date without fail.

(Dictated & pronounced in open Court.)

Date: 19/09/2025
Place: Shegaon

(Smt M.K.Gote)
Jt. Civil Judge Junior Division
Shegaon.



Certificate

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

Name of Steno: G.D.Bhoyte

Name of Court: Jt. Civil Judge (J.D.), Shegaon.

Uploaded on: 19.09.2025.