

ORDER BELOW EXHIBIT NO.18

This is an application by opponents seeking setting aside of order proceeding the present application without their written statement/say.

02. It is the case of the opponents that, in unavoidable circumstance, they could not have filed his written statement/say within stipulated time. Hence, they prayed to set aside order proceeding the application without their written statement/say.

03. Applicants have strongly objected the application by filing their say at Exh.18. It is contended on behalf of the applicants that, the contents of the application are not true and correct. The application is not tenable. The present application is made to prolong the application. The reason mentioned in the application is not justifiable. Hence, application is required to be rejected. They further submitted to impose heavy cost if the application is allowed.

04. Perused the record and proceeding, the opponents appeared on 01.02.2023 vide Exh.No.14 and, however they failed in filing written statement/say within the prescribed time limit, the application was proceeded without written statement/say by order dated 06.11.2025. Thereafter, opponent filed the present application on 13.01.2023.

05. It is submitted on behalf of opponents that due to some unavoidable circumstance, they could not have filed written statement/say within time limit. From the perusal of main

application, it appears that the nature of the application deems it necessary.

06. Moreover, it would be necessary to note that pleadings of both the parties in an application play a major role in determining the real question of controversy between the parties. The written statement/say of opponents would serve the purpose of their defence and if it is not considered, it would deny them to contest the application on merits. Therefore, in order to adjudicate the application on merits the delay could be condoned and opponents deserve a second chance.

07. However, due to the lapse of time, the applicant have suffered inconvenience. The state machinery also had to expend more on litigation. Now due to the inactivity of the opponents, the stages have to be revised. Hence, this inconvenience shall be compensated by imposing costs on them. Hence, I proceed to pass the following order:

ORDER

1. The application at **Exh.18** is allowed subject to cost of **Rs.500/- (Rs. Five Hundred Only)** to be paid by the opponents to the applicants. The cost shall be paid by the opponents on or before next date, in case of failure the application will stand rejected.
2. The written statement/say of the opponents shall only be taken on record only after compliance of clause (1) of this order.

Sd/-

Shirpur.
Date :- 01.12.2025

(Husna R. Khan)
Jt. Civil Judge Jr. Dn., Shirpur.