



RCS No.18/2020

Kadubai Vs. Tejrao & ors

CNR No.MHJN090000842020

**ORDER BELOW EXH.26**

1. This is an application filed by defendant no 6 and 7 for permission to file written statement.
2. Perused application and say of the plaintiff below the application. Plaintiff contended that defendant deliberately not filed their writtens statement within limitation only prolong the matter, hence prayed for its rejection.
3. The defendants submitted that, due to lock down and as per order of Hon'ble High Court regarding this, they could not file writtens statement within limitation, hence prayed to allow the application.
4. perused the record. Heard Ld. Advocates of both sides. After gone through the record it appears that defendants reported their appearance on 25.02.2021 below Exh.24 by filing V.P. The defendants filed the present application on 18.11.2021. The reason assigned in the application is not justifiable. The defendants have failed to file their written statement after regular functioning of civil courts. Despite given sufficient and ample time and opportunities defendants not filed their written statement within stipulated period of limitation. It is material point to note that, since the suit of the plaintiff is for the relief of

perpetual injunction. Valuable rights and interest of the defendants are involved in the suit property. No doubt, in filing of application there is huge delay, but delay can be compensated by imposing appropriate cost on the defendants and no prejudice will be caused to the plaintiff. However it is well settled principal of law that, it is always desirable to decide a suit on merits and liberal view require to be taken. Hence in the light of above, I pass following order:

**:- O R D E R :-**

- 1) The application is allowed subject to payment cost of Rs. 150/- each, to be paid by the defendant no 6 and 7 to the plaintiff.
- 2) After payment of cost written statement be accepted.

Date:18/11/2021

sd/-  
(Smt.P.V.Raut)  
Jt.C.J.J.D. Badnapur.