



RCS No.67/2018

Saidabee & ors Vs. Anwarkha & ors

CNR No.MHJN090004252018

**Order below exh.26**

1] Perused the application and say filed by Ld. Advocate for plaintiffs. Defendant No.3 & 4 have filed the present application for permission to file written statement.

2] As per contention of defendants, defendant No.3 was stood in Loksabha Election in Aurangabad so that they could not file their W.S. in spite of due service of summons within limitation period. Hence, they praed for accepting their W.S.

3] After perusal of record, it reveals that summons was duly served to defendants as per report below Exh.17 dated 05.02.2019. Thenafter, they reported appearance below Exh.21 dated 04.04.2019 by filling V.P. inspite of that failed to file W.S. The present application is filed on 01.08.2019. Though no W.S. order is not passed against defendants, but the defendants have failed to file their W.S. within statutory period of limitation, hence not accepted. The reason mentioned in the application is not acceptable and proper, but the valuable rights of the defendants are involed in the suit hence the delay for filling W.S. can be condoned by imposing cost on defendants and no prejudice will cause to plaintiffs by the same. By following the principal of natural justice 'hear both the sides' the application deserves to be granted by following way:-

**ORDER**

1. The application is granted.
2. Defendant no.3 and 4 are directed to pay of cost of Rs.100/- each to plaintiffs on or before next date.
3. After payment of cost W.S. will be accepted.

Date:- 20.08.2021

sd/-  
(Smt.P.V.Raut)  
Jt.Civil Judge (J.D.),  
Badnapur.