

MHKO050002922024



ORDER BELOW EXHIBIT NO.11 IN
REGULAR CIVIL SUIT NO.35/2024
(Passed on 07. 11. 2024)

This is an application for setting aside no written statement order.

02. Perused the application and reply thereon. Heard learned counsel for both sides.

03. Defendant no.1 is Government officer. It is submitted that due to non receipt of required documents from the office, he could not file his written statement within the prescribed period. It is pertinent to note that reason mentioned in the application is supported by the affidavit of defendant No.1. Moreover, suit is not proceeded further substantially. Furthermore, *Audi Alteram partem* i.e. no one should be condemn unheard is the basic principle of the natural justice. In these circumstances, no serious prejudice will be caused to the plaintiff, if defendant is permitted to file his written statement. Hence, considering the reasons mentioned in the application, I pass the following order :

ORDER

- 1) Application at Exhibit No.11 is hereby allowed.
- 2) Written statement of defendant be taken on record.

Ichalkaranji
Date :- 07. 11. 2024

(Hitendra Urmila Anilkumar Wani)
Civil Judge, Sr. Dn., Ichalkaranji,
Dist. Kolhapur