

ORDER PASSED BELOW EXH.NO.29

1. By way of application defendant Nos.1 to 5, 10 and 11 have prayed to set aside 'No written statement' order passed against them dated 17.3.2017. It is stated by defendants that present plaintiffs had filed some other suits in respect of same property and that suits were disposed off. The defendants could not receive those documents within stipulated time and consequently there is delay in filing the written statement. Hence, prayed to set aside no written statement order and give permission to file written statement on record.

2. Learned advocate for plaintiffs opposed to allow this application saying that summons was served on them on 14.11.2016 and thus there is delay of more than three months in filing the written statement. According to plaintiffs, reasons stated for delay are not proper and prayed to reject the application.

3. Heard both sides. Gone through record. It appears that there is delay of more than three months. Reasons stated for delay appears to be not proper. Still, in the larger interest of justice and in order to decide the suit on merit, opportunity needs to be given to the defendants to contest the suit by filing written statement. So far as delay and laches on the part of defendants is concerned, same can be balanced by imposing cost on them. In result, I pass following order.

ORDER

1. Application at Exh.29 is hereby allowed subject to cost of Rs.1000/- payable by defendant Nos.1 to 5, 10 and 11 jointly to the plaintiffs within 14 days from today.
2. In case of failure to pay the cost within 14 days, order will stand cancelled automatically without further order to that effect.
3. Written statement be taken on record after payment of cost of Rs.1000/-.

Date : 14/07/2017.

Sd/-
(K.G. Sawant)
2nd Jt. Civil Judge Junior Division,
Jaysingpur.

I affirm that the contents of this P.D.F. file Order/Judgment are same, word to word, as per the original Order/Judgment.

Name of the Stenographer	A.S. Tiruke (L.G.)
Name of Court	2nd Jt. Civil Judge Jr. Dn. Jaysingpur. Dist. Kolhapur.
Date of dictation	14.07.2017
Order/Judgment signed by the P.O. on	17.07.2017
Order/Judgment uploaded on	17.07.2017