



Suresh Khadake.
Vs.
Anil Latawade and anr.

The defendant No.11 has filed the present application for setting aside the no written statement order passed against him. The plaintiff has filed his say (Exh.26) and objected the application.

2. Perused the application, say and record. Heard both sides. On perusal of record, it appears that the defendant No.11 is appeared on 29.11.2024. However, he has not filed his written statement within the stipulated period. Therefore, on 28.04.2025 no written statement order was passed against him. Now, it is alleged by the defendant No.11 that he was suffering from high blood pressure and therefore, doctor advised him bed rest and therefore, he could not file his written statement within prescribed time. It appears that the application of the present defendant is supported by the affidavit. Therefore, it appears that the reason mentioned by the present defendant in his application for setting aside the no written statement order is sufficient. Moreover, it appears that the plaintiff has filed the present suit for specific performance of contract and declaration. Therefore, the important rights of the parties are involved in the present suit. Therefore, it is just and proper to give an opportunity to the defendant No.11 to file his written statement. The delay condonation application to file the present application is already allowed by imposing cost. Therefore, it is not just and proper to impose cost again on the present application. In the result, I pass following order.

ORDER

1. Application (Exh.24) is allowed and no written statement order passed against the defendant No.11 is set aside.

2. After depositing the cost below Exh.22 the written statement of the defendant No.11 be taken on record.

Jaysingpur.

Date : 10.03.2026.

(P. A. Patil)

Jt. Civil Judge Senior Division,
Jaysingpur.