



**Ashok Dattatraya Dongare**  
Vs.  
**Smt. Leela Parsu Bagdi**

1. This is an application for setting aside “No Written Statement” order. Perused the application and reply of plaintiff thereon. Heard learned advocate for both sides.

2. There is delay to file written statement by the defendant No. 2 and 3 within statutory period of limitation , therefore “No Written Statement” order was passed below Exh.1 by this court on 05.09.2024. No justifiable reason cited to explain delay in filing written statement. Nevertheless, considering well settled principle of natural justice that no one should be condemn unheard, I hold that, delay in filing written statement and say has to be condoned by imposing exemplary cost. No serious prejudice will be caused to the plaintiff if say of defendant No. 2 and 3 taken on record. Therefore, considering facts and circumstances of the present suit, I pass the following order.

**ORDER**

- 1) Application is allowed.
- 2) Order of “No Written Statement” passed below Exh.1 by this court on 05.09.2024 is set-aside subject to payment of cost of Rs. 500/- (Rs. Five Hundred Only) each by the defendant No. 2 and 3 to the plaintiff on or before next date.
- 3) Written statement of the defendant No. 2 and 3 be taken on record on compliance of above order.

Place : Gadhinglaj  
Date : 09-09-2025

**( S. C. Havelikar )**  
Jt. CJSD, Gadhinglaj  
District :- Kolhapur.

CNR No. MHKO-09000071-2024

RCS No. 44 of 2024.  
Order below Exh.27