

MHKO090003292020



ORDER BELOW EXH. 49 IN SPL. CIVIL SUIT NO. 18/2020

1. Perused the application and say. Heard both the sides. The application is filed for setting aside 'No written statement' order. The Ld. Adv. Shri. Patil for the plaintiff submits that already the defendants have appeared before other authorities even criminal complaints have been filed in the Covid Pandemic. Therefore, the reason is not acceptable.
2. The defendants are however absent to make any arguments. Hence, I heard arguments of Ld. Adv. Shri. Patil and in the light of arguments in the application, I am deciding it. Considering nature of the suit, I find that an opportunity is to be granted to the defendants to file their written statement. However, to substantiate the reason, no documentary evidence is placed on record. Hence, the defendants have to pay costs to the plaintiff for the delay caused in filing written statement. The defendants have appeared in the matter and filed say on Exh. 5 on 15.12.2020. It means before that, the summons was served to them. Considering this delay, the defendants shall pay costs of Rs. 900/- to the plaintiff.

3. In my opinion, the costs are appropriate to the delay and I pass the following order -

ORDER

1. Application Exh. 49 is allowed on payment of costs of Rs. 900/-.
2. The costs shall be paid within two weeks from the date of this order.
4. On payment of costs, the written statement will be taken on record.
3. If the defendants fail to pay costs within the prescribed period, the application will automatically stands rejected without any further order.

Date : 22.02.2022

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj