


MHKO100012132020 	<p style="text-align: center;"><u>ORDER PASSED BELOW EXHIBIT NO. 23 in</u> <u>RCS No. 98/2020</u></p> <p style="text-align: center;"><u>(Shri.Shivaji Santu Karwal Versus Shri.Appaso Santu Karwal & Ors.)</u></p>
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The defendant No.1 has filed an application for setting aside " No written statement " order passed against him.

2. By this application, the defendant No.1 has contended that, he has not deliberately avoided to file written statement on record within stipulated time. Defendant No.1 is an agricultural person, so he failed to give necessary information and documents regarding the suit property to his advocate within time. Therefore he failed to file his written statement within time. If said order is not set aside then, it will cause irreparable loss to him. Hence, he prayed to set aside " No written statement " order passed against him.

3. The plaintiff has filed say on Exh. 23 and contended that the present defendant No.1 has deliberately cause delay to file his written statement and say. Defendant No.1 has not given any reasonable reason as to why he failed to filed his written statement within time. Defendant No.1 is tying to prolong the matter. Therefore prayed to reject the present application with cost of Rs.1000/-.

4. I have heard the learned advocates for the respective parties. On perusal of record, it transpires that defendant No. 1 has appeared on 09/11/2020. But defendant No.1 is failed to file his written statement within statutory period of 90 days. The present suit is filed for declaration, mandatory injunction & perpetual injunction. Hence for proper adjudication of this suit, it is necessary to give one opportunity to the present defendant No.1. Hence, considering the reasons, in the

interest of justice and to avoid multiplicity of the proceedings " No written statement " order passed against defendant No.1 is needs to be set aside. Thus for proper adjudication of the matter, I am of the considered view that an opportunity is required to be given to defendant No.1 to file his written statement on record. Hence, I proceed to pass the following order.

-:- ORDER -:-

1. The application (Exh. 23) is allowed.
2. " No written statement " order passed against defendant No.1 is set aside subject to cost of Rs. 300/- (Rs. Three Hundred only) to the plaintiff on or before next date.

Dt. 03.03.2021.
Gadhinglaj.

(Smt.S.N.Nikam)
03rd Jt. Civil Judge, Junior Division,
Gadhinglaj.