



Order Below Exh. 26 In RCS No. 133/2021

CNR No. :- MHKO110010272021

Passed On 13/06/2022

1. The defendants have filed this application to set aside no written statement order. The defendant No. 1 has not filed his WS and Say within stipulated period. Therefore, his right to file WS and say is extinguished.
2. Other side has failed to file their say. Hence, no say order is passed against him.
3. Perused the application, say and record of the case. Heard both the sides.
4. In my opinion to decide the matter on merit and in the interest of justice it is necessary to hear the both sides. Further considering the object and purpose behind enacting rule 1 of order 8 of the code of Civil procedure as amended by Act 22 of 2002 the provision has to be construed as directory and not mandatory. Further to avoid grave injustice to the defendants, they shall be permitted to file his written statement even after expiry of stipulated period. However, in such circumstances the plaintiff must be compensated by the defendant for the delay and inconvenience. Therefore, I am of the view that cost of ₹200/- may compensate to the plaintiff for inconvenience. Hence, I pass following order.

ORDER

1. Application below Exh.26 is allowed and No W.S. order is set aside. The written statement filed by the defendant be read & recorded on payment of cost of ₹200/- to the plaintiff.

Date : 13/06/2022
Peth-Vadgaon.

(Smt. R. B. Sorekar)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.