

MHKO110019422023



Reg. Civil Suit No. 243/2023.

(CNR No.MHKO110019422023)

Order Below Exh.18.

(Parvati Baburao Kumbhar Vs Pramila Sambhaji Kumbhar)

The present application is made on behalf of defendant Nos.1 namely Pramila Sambhaji Kumbhar, with the prayer to set aside 'No Written Statement' order passed against her and allow her to file her written statement on record.

02. It is further submission of defendant no.1 that, she was trying to compromise the suit with the plaintiff. Moreover, she was totally unaware about the court procedure. So, she failed to file her written statement within stipulated period of time. In result, 'No Written Statement' order was passed against her vide **Exh.01**, dated 12/12/2024. She further submitted that, if an opportunity to file her written statement is denied, prejudice will be caused to her. To finally decide the suit on merit, she must be allowed to file her written statement. She finally submitted to set aside 'No Written Statement' order and allow him to file her written statement.

03. Learned advocate appearing for the plaintiff filed his say vide **Exh.19** and objected the application by stating that, contents of the application are not true and correct. Defendant no.1, deliberately caused delay of one and half year for filing her written statement and say. Hence he prayed to reject the application. Alternately, he prayed for heavy costs.

04. Perused the application. Say there on. Heard to learned advocate for both the sides.

05. Before dealing with the instant application it is necessary to consider here that, to decide the controversy involved in the suit, Court has to summarize the said dispute by framing issues. It is needless to say here that, issues have arose when material preposition is offering by one party and denied by the other party. To come to the conclusion the material preposition which offered by one party and denied by the other party, Court has to consider the rival pleadings of both parties. For that purpose it is necessary to give permission to the defendant no.1 to file her written statement, in absence of which it is not possible for the Court to come to the conclusion, what is the real dispute existed between the parties. So considering the above legal aspect, I am of the candid opinion that, it will be in the interest of justice to allow defendant No.1, to file her written statement. But considering the time taken by the defendant to file the present application, it will be also necessary to impose some costs upon her to compensate the hardship caused to the plaintiff. Hence, considering above discussion, I proceed to pass the following order -

ORDER.

1. The application below **Exh.18** is hereby allowed.
2. 'No Written Statement' order vide Exh.01, dated 12/12/2024, passed against defendant No.1 is hereby set aside subject to costs of Rs.500/- (Rs. Five Hundred), it be paid to the plaintiffs.
3. The written statement filed by the defendant No.1 be taken on record after the payment of costs.
4. The application is disposed off accordingly.

Date : 15/10/2025.

(Shrinivas A. Kulkarni)
Civil Judge Junior Division,
Peth-Vadgaon.