

MHKO110023182024



Reg. Civil Suit No. 219/2024.
(CNR No.MHKO110023182024)

Order Below Exh. 28.

(Shantabai Mane Vs. Santosh Lagade)

The present application is made on behalf of defendant No.2- Santosh Dhondiram Lagade, for setting aside “No Written Statement” and “No Say order” passed against him. On Perusing the record it is seen that, defendant no.2 has not filed his written statement and his say within stipulated period.

02. It is the contention of the defendant no.2 that, the plaintiff instituted the present suit for the relief of permanent injunction against defendants. It is further submission of the defendant no.2 that, there was talk of compromise was going on between the parties. As well as, he failed to collect the case related documents and hence, days delay was caused to file his written statement and say on the record. Hence, he made the present application with the prayer to condone the delay caused to file his written statement and say.

03. The learned advocate for the plaintiff filed his say on the leaf of the application and submitted that, reasons mentioned in the application are not proper. Defendant does not mention the valid and exact reason for their delay. Hence, he finally submitted to reject the present application. Alternatively, he prayed for heavy costs.

04. Perused the application and say thereon. Heard to both the parties.

05. The present suit is filed for the relief of permanent injunction against defendants. Considering the relief of the plaintiff, I am of the opinion that, written statement of defendant no.2, is necessary to have on record to finally decide the issues involved in the suit. So to bring on record the written statement of defendant, it will be in the interest of justice to condone the delay caused to him for filing his written statement and say. If permission is granted to the defendant to file his written statement, no prejudice will be caused to the plaintiffs or other party to the suit. On the other hand, to decide the question involved in the suit finally on the merit it is also necessary to have written statement of defendant no.2 on the record. Hence, I proceed to pass the following order

ORDER.

1. Application is allowed, subject to costs of Rs.300/- (Rs. Three Hundred), it be paid to the plaintiff.
2. The delay caused for filing the written statement and say of defendant No.2, is hereby condoned.
3. Application is disposed off accordingly.

Date : 13/08/2025.

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