


MHKO140004952023 	Regular Civil Suit no. 105 of 2023 Irappa Sidhappa Nitturkar V/s. Mayanna Krushna Nitturkar and others
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ORDER BELOW EXHIBIT- 14

Passed on- 03/09/2024.

1. This is an application filed by the defendant no.1 for setting aside no written statement order passed below Exhibit 01.
2. It is contended that, the plaintiffs have filed present suit for declaration and perpetual injunction. The defendant appeared through his learned advocate, but failed to file written statement within prescribed time. Hence no written statement order is passed against him. It is submitted that, some important documents were not available and therefore, the defendant could not file their written statement within time. The defendant has not caused delay with intention and there is sufficient cause. The written statement is enclosed herewith the application. If the permission is not granted then irreparable loss will be caused to the defendants. Hence, present application.
3. Other side filed say and raised strong objection. It is submitted that, the summons is served on 21.11.2023. the defendant appeared on 06.04.2024 and they have not filed written statement within prescribed period. It is submitted that, the defendants have not filed any documents and not

mentioned about the documents which were not available. So the reasons mentioned for delay are false. Therefore the application is liable to be rejected.

4. Perused the record. Heard learned advocates for both side. It is matter of record that, the suit summons is served on 27.11.2023 and the defendant no.1 appeared on 06.04.2024. So considering the date appearance it is clearly seen that the defendants have caused delay in filing written statement. Though, there is delay in filing written statement but they have enclosed their written statement along with the present application. Present matter is filed for injunction and dispute is in respect of immovable property. Hence, considering the dispute it is necessary to give an opportunity to other side to file written statement. It would help in deciding the matter on merit. If the application is allowed then it would not cause prejudice to the plaintiffs. Hence in the interest of justice it would be proper to allow the application. At the same time it would be proper to impose costs for causing delay. Accordingly I pass following order:-

ORDER

1. The application is allowed, subject to costs of Rs. 500/-.
2. The defendant no.1 is permitted to file written statement on payment of costs.
3. Costs amount to be paid to other side.

Date: 03/09/2024

[Waman D. Jadhav]
Jt.Civil Judge Junior Division, Chandgad.
[Judge Code- MH3143]