



Regualr Civil Suit No.110/2022 .

Shalan Dinkar Patil
Vs.
Rekha Kiran Patil oth 1

Order below exhibit 21.

The present application is filed by defendant No. 1 for setting aside No W.S. order passed against him.

02. Defendant No. 1 submitted that after service of suit summons he appeared and sought time to file written statement. He failed to file his written statement within stipulated period. Thus, the Court passed " No Written Statement" order against him. The delay caused is not deliberate but old documents from revenue record are not available in time. Plaintiff by filing his say and strongly opposed the application. It is contended by plaintiff that the contents of application are false, frivolous. The reasons stated are not supported by any document. Delay is not justified.

03. Perused the application and say. Heard learned advocates of either sides. From perusal of record it appears that defendant No. 1 appeared in the suit after service of summons but despite sufficient time being given to him he did not file his written statement. Defendant No.1 mentioned that he has not available old document from revenue record in time. The present application is filed on affidavit, therefore, there is no reason to disbelieve its contentions. Thus, considering the principle of natural justice and to give fair opportunity to parties, present application deserves to be allowed. Hence, the following orders is passed:

ORDER

- a) Application is allowed.
- b) No Written Statement Order against defendant No. 1 is set aside.
- c) The written statement of defendant No. 1 be taken on record of the case.

Place: Panhala.
Date: 20.02.2023.

Atul A. Kore,
Jt. Civil Judge Jr. Dn., Panhala.