



ORDER BELOW EXH - 18

This is an application by **defendants No. 01, 03, 04, 05 and 08** for calling back of the order of proceeding without written statement. This application is objected by plaintiff. Heard the arguments advanced by learned advocates for both the sides. Perused the record and especially the date of service of suit summons and the date of passing of order below Exh-01 whereby suit was ordered to proceed without written statement.

2. Reason, due to which it was not possible for defendants supra to file the written statement within prescribed period of limitation appears to be acceptable. It appears to be reasonable. It will be just and proper to award the opportunity to the parties to contest the pleadings by filing the written statement. It is always better to decide the matter on merit, especially when reason for non-filing of written statement is acceptable. No doubt, the delayed filing of written statement by defendants supra has consumed some period of this litigation and therefore, cost must be awarded to plaintiff to compensate the delay. Considering the delay caused, the cause for delay shown and the need for filing of written statement, I think it fit to award the reasonable cost which will not be harsh upon defendants, but at the same time it will be deterrent for defendants that, hence-forth this delay should not be cause. No prejudice will be caused to plaintiff, if permission is granted to defendants supra to file the written statement. Therefore, I think it fit to permit defendants supra to file the written statement but subject to moderate cost. Finally, I pass the following order ;

Order

- a. Order of proceeding the suit without written statement of defendants supra is called back subject to cost of **Rs.100/-** to be paid to plaintiff.
- b. On payment of cost, the written statement already filed on record will be read and recorded.

Sd/-

Panhala
Date 12.10.2021

(Ritesh R. Mawatwal)
Civil Judge Junior Division,
Panhala, District Kolhapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. G. S. Shinge
Name of the P.O.	Shri. Ritesh R. Mawatwal
Designation	CJJD & JMFC Panhala
Date of Dictation	12.10.2021
Judgment signed by the P.O. on	13.10.2021
Judgment uploaded on	13.10.2021