


MHKO170009242025 	<u>R.C.S./94/2025</u> Sou Sanjana Dinakar Patil etc 1 Vs. Shri Sunil Dattatray Salokhe etc 2
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Order below Exh. 11

1. This is an application filed by the Defendant no. 1 for setting aside no written statement order. It is his contention that he did not deliberately avoided the filing of written statement. It was difficult for defendant to collect the old documents for the present proceeding. Due to all these circumstances the defendant did not meet the advocate during stipulated time. It is his contention that, if no written statement order is set aside then it will not harm to the plaintiff. If no written statement order is not set aside the Defendant will suffer heavy losses. Hence, this application.

2. Per Contra, the Ld. Advocate on behalf of plaintiffs have filed the say and submitted that, the reasons mentioned by the defendant is not reasonable. The reasons mentioned are vague in nature. The sufficient opportunities were given to the defendant for filing written statement however he failed. The defendant has deliberately delayed the written statement. The reasons mentioned in the application are false and frivolous. Hence, he prayed that application be rejected.

3. Perused the application.

4. It appears from record that, the suit is instituted for partition, and mense profit. After, giving sufficient opportunity to the Defendant, he failed to file written statement in stipulated period. Thereafter, the

plaintiff has proceeded with the suit. However, for substantial justice, it is necessary to grant an opportunity to the defendant to file his written statement in order to defend his stand. Normally, a party who approaches a Court with grievance should not be deprived of his right of hearing on merit. If this application is not allowed, then opportunity of defendant will be curtailed. Hence, in the interest of justice, it would be proper to allow this application and thereby allow the Defendant to file written statement. Delay caused to the proceeding cannot be ignored. Considering all these aspects I proceed to pass following order :-

Order

- a) The application at Exh.11 is allowed and no written statement order passed against Defendant is hereby set aside subject to payment of costs of Rs.400/- payable to the plaintiff.
- b) Upon payment of costs, the written statement of Defendant be taken on record.
- c) Costs shall be paid to the plaintiffs on or before next date.

Date -07/04/2026

Sd/-
K. D. Kakatkar
Jt. Civil Judge, Junior Division,
Panhala.