

**Regular Civil Suit No. 183/2022 .**

**Sou. Shalan Dinkar Patil**  
**Vs.**  
**Kiran Hari Patil**

**Order below exhibit 10.**

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

02. Defendant 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 land acquisition department 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 appeared in the suit after service of summons but despite sufficient time being given to him he did not file his written statement. Defendant mentioned that he has not available old document from land acquisition department 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 with costs.
- b) Defendant will pay costs of Rs.500/ to the plaintiff.
- c) No Written Statement Order against defendant is set aside.
- d) The written statement of defendants be taken on record of the case.

Place: Panhala.  
Date: 24.06.2024.

Sd/-  
Smt.V.R.Mane,  
Jt. Civil Judge Jr. Dn., Panhala.