



R.C.S.No.89/2022
Nandini Deshmane Vs Jabbar
Nalband
CNR NO.MHKO180003452022

ORDER BELOW EXH.12
(Dated 1st March, 2023)

1] This application is filed by the defendant for setting aside no written statement order. As per his contention deliberately not caused delay for filing his written statement on record. He wants to contest the suit. The suit is required to be decide on merits. If the application is allowed no loss will be caused to the plaintiff. On the other hand if the application is rejected irreparable loss will be caused to him. Hence requested to grant this application.

2] The plaintiff has filed her say and strongly apposed this application. As per her contention false application is filed by the defendant. The reason mentioned in the application is not satisfactory. Hence she has requested to reject this application. If the application is allowed heavy cost be imposed upon the defendants.

3] Heard both sides, perused record and proceeding. It shows that present suit is filed for recovery of amount. As per report of the concern bailiff at Exh.7 dated 23/11/2022 suit summons duly served to the defendant. Thereafter he appeared on 16/12/2022, but failed to filed his written statement within prescribed time. Therefore as per order below Exh.1 dated 21/02/2023 suit proceeded without written statement against the

defendant.

4] No doubt that reason mentioned in the application is not satisfactory. However considering the nature of suit which is filed for recovery of amount I think it would be just and proper to grant him one more opportunity to filed his written statement on record. Moreover to decide the dispute between the parties on merit one more opportunity must be given to the defendant. But at the same time negligence on the part of defendant shall not be discarded, therefore it would be just and proper to grant this application by imposing reasonable cost. Hence I proceed to pass following order :-

ORDER

- 1] The application is allowed subject to cost of Rs.500/- (Rs. Five Hundred only). It be paid to the plaintiff on or before next date.

- 2] The defendant is allowed to filed his written statement on record after payment of above mentioned cost.

Kurundwad.
Date : 01/03/2023.

(S. S. Ingle)
Civil Judge J.D., Kurundwad.