

	<p>ORDER PASSED BELOW EXH.21, IN R.C.S.NO.105/2018 (Passed on 17th January, 2026) Shahubai Vs. Sangram CNR NO.MHLA050012172025</p>
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01. The defendants No.1 and 2 filed the present application seeking permission to place on record sworn affidavit in support of their written statement at Exh.10, which could not be attached earlier due to oversight.

02. The plaintiff has opposed the application contending that, by order dated 11/02/2022, the court had already directed the defendants to file the affidavit, which was not complied with. It is further contended that, plaintiff has already led evidence and that the present application is intended only to delay the proceeding.

03. It is not in dispute that the written statement at Exh.10 is already on record. The omission complained of relates only to non filing of the sworn affidavit as contemplated under Order VI, Rule 15(a) of the Code of Civil Procedure. Such defect is essentially procedural in nature.

04. The object of requiring an affidavit in support of the pleadings is to ensure responsibility and authenticity of the pleadings. Non filing of such affidavit does not, by itself render the written statement non-est or liable to be rejected, particularly when the pleadings are already taken on record and issues have been framed.

05. The court is mindful that, the plaintiff has already led evidence. However, permitting the defendants to file the affidavit at this stage does not introduced any new pleadings, nor does it cause prejudice to the plaintiff, as no alteration in the written statement is sought. Any inconvenience caused can be adequately compensated by costs.

06. The procedural law is intended to advance the cause of justice and not to defeat it on technicalities. Denial of permission to cure such curable defect would result in multiplicity of proceedings and would not

serve the ends of justice.

07. In view of the above, the application deserves to be allowed, subject to costs. Hence, order:-

ORDER

1. Application is allowed.
2. Defendant No.1 and 2 is hereby permitted to place on record the sworn affidavit in support of the written statement at Exh.10.
3. The permission is granted subject to payment of costs of Rs.500/- payable to the plaintiff.

Date:- 17/01/2026
Place:- Ahmedpur

(R.D. Wabale)
Jt. Civil Judge Senior Division
Ahmedpur