



**Common order below Exh.12 & 14 In R.C.S.
No.772 of 2024**

(Passed on this 04th day of April, 2025)

Geeta & Ors. -Vrs.- Sanjaykumar & Ors.

CNR NO.MHLA060022542024

The defendants have filed the present application for setting aside 'No Written Statement' order passed below Exh.01 dated 30.01.2025 and to accept their Written Statement on record.

02. Ld Advocate on behalf of defendants submitted that, defendants were in search of some important documents in respect of subject matter of the suit. So, defendants failed to file their written statement in the present suit within stipulated period. So, this Court has passed 'No Written Statement' order against defendants on 30.01.2025. The suit is at premature stage. If the present application is allowed and written statement of defendants is accepted, no prejudice will be caused to any of the parties. Therefore, he prayed to allow the application.

03. On the contrary, Ld Advocate on behalf of the plaintiffs has filed his say on the overleaf of the application. He contended that, the defendants admitted the whole claim of the plaintiff. Hence, they have no objection if the present application is allowed.

04. Heard Ld Advocates of both sides. They argued in consonance with their application and say.

05. Perused the application, say of plaintiffs and the record of the suit. On perusal, it shows that the defendants appeared before Court through their respective Ld. Advocates on 14.12.2024. but inspite of sufficient opportunities given to them, they failed to file their written statement within prescribed period of time of 90

days as provided in Order VIII Rule 1 of Code of Civil Procedure. Their time to file written statement is expired. The present application came to be filed on 07.03.2025. There is an inordinate delay caused in filing their written statement. However, the application is supported by affidavit (**Exh.13 & 15**). Therefore, there is no reason to disbelieve the contentions made by defendants. Moreover, the suit is for declaration that adoption deed bearing D.B. No.530/2014 dated 25.02.2014 is null and void and declaration that plaintiff No.2 is daughter of plaintiff No.1 and defendant No.1 and for perpetual injunction. Therefore, it would be just and proper to give opportunity to defendants to put up their case by filing written statement. This would help the Court in deciding the controversy on merits. Moreover, the suit is at initial stage. Hence, for this reason the application deserves to be allowed. However, for causing delay, cost has to be saddled on defendants. Hence, I proceed to pass the following order.

ORDER

- 1) The applications (**Exh.12 & 14**) are allowed subject to cost of Rs.100/- each (Rupees One Hundred Only) to be paid by defendants to the plaintiffs.
- 2) On payment of cost, order of 'No Written Statement' passed below Exh.01 dated 30.01.2025 shall be set aside and the written statement shall be taken on record.

(Dictated and pronounced in open Court).

Place : Ahmedpur.
Date : 04.04.2025.

(K. B. Gadiwale)
Jt Civil Judge Junior Division,
(Court No.04), Ahmedpur.