

MHLA11-000179-2025

Order below application vide Exh.32
in Spl. C. S. No. 17/2025
Suryakant Vs. Prakash and Anr.

Perused contents of the application and say thereon. Heard. Perused the record.

2. The application discloses that, it was required to collect the relevant documents and information, defendant No.1 is old aged and illiterate. Therefore, defendant No.1 remained unable to file his written statement within time. Lastly, defendant No.1 prayed to set-aside order dated 22.07.2025, passed below Exh.1, proceeding the suit further without his written statement. The plaintiff contended that, contents of the application is false. There are no documents to support the contents of the application. There is no sufficient cause. Therefore, the plaintiff lastly prayed to reject the application.

3. However, present application is supported with affidavit vide Exh.33, whereby defendant No.1 affirms that, he is old aged and illiterate, he could not collect relevant document and information. Therefore, he remained unable to file his written statement within time.

4. Moreover, the present suit is for specific performance of contract and perpetual injunction. Considering nature of suit and relief sought for, opportunity

of hearing will have to be given to defendant No.1. Furthermore, affording such opportunity will be helpful to decide real controversies between the parties finally on merits and to avoid multiplicity of suit and proceedings. The parties will have an opportunity to lead their evidence as well as cross-examine the witnesses of each other. Therefore, no prejudice would be caused to the plaintiff, if the opportunity is afforded as aforesaid. Hence, in the interest of justice order dated 22.07.2025, proceeding the suit further without written statement of defendant No.1 is hereby set-aside to extent of defendant No.1.

Date :13/02/2026
Place: Nilanga

(R. V. Pande)
Civil Judge, Senior Division, Nilanga,
District Latur.