



R.C.S. No.1090/2022
Baburao Vs. Waman
CNR No.MHLA110016132022

ORDER PASSED BELOW EXH.NO.27

- 1) Perused the application submitted by the defendant nos. 1 to 4 for grant of permission to file the written statement by setting aside no w.s. order.
- 2) Perused the record. Record shows that defendants were duly served on 08/11/2022. They appeared but failed to file written statement within prescribed time limit.
- 3) It is stated that, defendants are farmers and they were busy in agricultural work. The defendants could not collect important documents. So, they could not file written statement within prescribed time.
- 4) The plaintiffs filed their say and strongly objected the application. It is stated that, the defendants failed to sought adjournment on various occasions for filing written statement. The documents filed on record by the defendants are the old documents that too xerox copies for which no time is required. So application be rejected with costs.
- 5) It is well settled that the provisions of O-VIII R-1 of Code Of Civil Procedure are directory and not mandatory and it can be stretched in rare and exceptional cases. Defendants have

filed this application along with their written statement on 28/02/2023.

6) The present suit is for perpetual injunction. The defendants came with their written statement on 28/02/2023. There is delay of approximately 20 days only, which needs to be condoned by imposing certain cost. If the opportunity is not granted to the defendants to protest the suit claim, irreparable loss will be caused to them. On the other hand no prejudice would be caused to the plaintiffs, if written statement of defendants is taken on record. Hence, following order is passed to meet the ends of justice.

ORDER

Application is granted subject to cost of Rs.100/-

(In words Rs. One Hundred only).

Place: Nilanga.
Date : 28/02/2023.

(Anand S. Munde)
Jt. Civil Judge, Sr. Division
Nilanga.