



R.C.S. No. 1001/2021
Jyotiba Vs. Koushabai
CNR No.MHLA110008112021

ORDER PASSED BELOW EXH.NO.50

- 1) Perused the application submitted by the defendant Nos.3, 4, 15, 16 and 17/1 to 17/2 for grant of permission to file the written statement by setting aside no w.s. order.
- 2) Perused the record. Record shows that defendant nos.3, 4, 15, 16 and 17/1 to 17/2 were duly served on 04/01/2022. They appeared but failed to file their written statement within prescribed time limit.
- 3) Perused the application of defendants and say of other side. The Plaintiffs have strongly objected for taking on record the written statement of defendants stating that defendants intentionally avoided to file written statement and the reason mentioned for delay is not fair and just. So, application be rejected with cost.
- 4) 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. Defendant nos.3, 4, 15, 16 and 17/1 to 17/2 have filed this application along with their written statement on 01/09/2022. It is stated that the delay caused is not intentional or deliberate. The defendants were suffering from illness like Covid-19, so they could not appear and filed written statement within prescribed time.

5) The present suit is for declaration of ownership and perpetual injunction. The defendant Nos. 3, 4, 15, 16 and 17/1 to 17/2 came with their written statement on 01/09/2022. The valuable civil rights of the defendants are involved in the present suit. If the opportunity is not granted to the defendant nos. 3, 4, 15, 16 and 17/1 to 17/2 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 defendant nos. 3, 4, 15, 16 and 17/1 to 17/2 is taken on record. Hence, following order is passed to meet the ends of justice.

ORDER

Application is granted subject to cost of Rs.500/-.

Place: Nilanga.
Date : 14/10/2022.

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