



R.C.S. No. 817/2022
Chabubai Vs.Sarita and others
CNR No.MHLA110003932022

ORDER PASSED BELOW EXH.NO.25

- 1) Perused the application submitted by the defendant Nos.1 to 3 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.1 to 3 were duly served on 17/06/2022. 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 plaintiff has strongly objected for taking on record the written statement of defendant nos.1 to 3 stating that the defendants intentionally avoided to file written statement. 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.1 to 3 have filed this application along with their written statement on 21/09/2022. It is stated that the delay caused is not intentional or deliberate. The plaintiff has not produced the documents of ownership alongwith present suit. So, defendants could not filed their written statement within prescribed time.

5) The present suit is for partition and possession. The defendant Nos.1 to 3 came with their written statement on 21/09/2022. The valuable civil rights of the defendants are involved in the present suit. If the opportunity is not granted to the defendant nos.1 to 3 to protest the suit claim, irreparable loss will be caused to them. On the other hand no prejudice would be caused to the plaintiff, if written statement of defendant nos.1 to 3 is taken on record. Hence, following order is passed to meet the ends of justice.

ORDER

- 1) Application is granted.
- 2) No order as to costs.

Place: Nilanga.
Date : 21/09/2022.

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