



R.C.S. No.850/2022
Ramanand Vs. Mahananda & Ors.
CNR No.MHLA110004092022

ORDER PASSED BELOW EXH.NO.28

- 1) Perused the application submitted by the defendant Nos.4 to 7 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.4 to 7 were duly served on 25/06/2022. They appeared but failed to file their written statement within prescribed time limit.
- 3) Perused the application of defendants and say of other side. It is stated that the husband of defendant No.4 and father of defendant Nos. 5 to 7 namely Bramhanand Hogade who was suffering from illness and the other defendants were engaged in his service. So, they could not remained present in the Court and file their written statement in the prescribed time limits. The delay caused is not deliberate or intentional. The Plaintiff has strongly objected for taking on record the written statement of defendants stating that the medical certificate of Bramhanad Hogade is not pressed on record. So application be rejected.
- 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.4 to 7 have filed this application along with their written statement on 21/11/2022. There is delay of approximately two months. It is

stated that the delay caused is not intentional or deliberate. The the father of defendant Nos.5 to 7 and husband of defendant No.4 was suffering from illness, so they could not appear and filed written statement within prescribed time.

5) The present suit is for declaration and injunction. The defendant Nos.4 to 7 came with their written statement on 21/11/2022. The valuable civil rights of the defendants are involved in the present suit. If the opportunity is not granted to the defendant nos. 4 to 7 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.4 to 7 is taken on record. Hence, following order is passed to meet the ends of justice.

ORDER

Application is granted subject to cost of Rs.200/-.

Place: Nilanga.
Date : 21/11/2022.

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