



R.C.S. No.852/2022  
Sangram Vs. Anteshwar  
CNR No.MHLA110012422022

**ORDER PASSED BELOW EXH.NO.15**

- 1) Perused the application submitted by the defendant nos.1 and 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.1 and 2 were duly served on 02/02/2023. They appeared but failed to file written statement within prescribed time limit.
- 3) It is stated that, in second session defendants are present before the court, but no w.s. order was passed against them in the first session. Therefore, they prayed for setting aside no w.s. order.
- 4) The plaintiff filed his say and strongly objected the application stating that on 15/02/2023 defendants were appeared before the court but intentionally could not filed written statement. So, application be rejected with heavy 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. Defendant nos.1 and 2 have filed this application along with their written statement on today itself.

6) The present suit is for declaration of ownership with perpetual injunction. The defendants came with their written statement on today itself. 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.

Place: Nilanga.  
Date : 13/06/2023.

(M. S. M. Y. Rachbhare)  
Jt. Civil Judge, Sr. Division  
Nilanga.