



ORDER BELOW EXH.25

1. Defendant No.1 has filed the present application to set aside No Written Statement (W.S.) order passed against him.

2. It is contended by Defendant No.1 that he appeared on 11.02.2025. But due to non-availability of documents and relevant information, he failed to file his written statement within limitation. He caused 125 days delay to file his written statement. His written statement is essential for just decision of suit on merit. He prayed for allowing the application.

3. The plaintiffs filed his say behind this application. He submitted that the application is not within limitation. The reason of their failure is not justifiable. The defendant no.1 intentionally prolong and filed his counter claim. Hence, he prayed to reject this application.

4. I have heard the Ld. Advocate of respective

parties at length.

5. Perused the record. It appears that suit is filed for demarcation of boundaries of suit property and perpetual injunction. Defendant No.1 appeared on 11.03.2025. Summons were served to him on 01.03.2025. Defendant No.1 failed to file his written statement. He has given sufficient time, but failed to give his written statement till 25.08.2025. Therefore, on 25.08.2025, no written statement order passed against him. He is required to file his written statement within 30 days from the date of service of summons. Defendant No.1 had opportunity to file his written statement but he failed. The suit is filed for demarcation of boundaries of suit property. There may be rights of defendant No.1 are involved in this property. If the application is rejected then defendant No.1 definitely will suffer irreparable loss as he will be deprived from putting his say and written statement. Therefore, considering the reason mentioned in the application and the stage of suit, it will be proper to allow the application with costs. Hence, I pass the following order-

ORDER

1. Application at **Exh.25** is allowed.

2. No written statement order passed against the defendant No.1 is set aside subject to costs of Rs. 300/- to be paid to plaintiff on or before next date.
3. Upon failure to comply this order, No written statement order will be continue.

Date : 03.10.2025.
Place : Nilanga.

(Smt. A. S. Gunjawate)
Jt. Civil Judge, Jr. Divi., Nilanga.
District Latur.