

MHLA150005442025



ORDER BELOW Exh. 17.

1. This application is filed by defendant for setting aside no W.S. order and to accept W.S.
2. It is submitted by defendant that, due to non availability of important documents defendant could not file his W.S. within limitation. Therefore, no W.S. order is passed on 26.06.2025. Hence, he lastly prayed to allow the application.
3. Per contra plaintiff has strongly objection by filing say on the back leaf of the application. It is contended that, suit summons served on defendant on 28.03.2025 and he appeared in the court on 16.04.2025. Defendant with intention to prolong exh.5 intentionally delayed to file W.S. Reason mentioned in the application is not proper. Hence, application be rejected with heavy costs.
4. Perused record of case. It appears from record that subject matter is immovable property and suit is filed for declaration of ownership and perpetual injunction. It seems from record that defendant failed to file written statement within limitation. Application is supported by affidavit of

defendant. As per application due to non availability of important documents defendant could not file his W.S. within limitation. Therefore, no W.S. order is passed on 26.06.2025. Subject matter of the suit is immovable property and valuable rights of the parties are involved in it. No counter affidavit of plaintiff is filed on record to rebut contention of defendants. If no W.S. order is set aside then it will not caused any harm to plaintiff. For the purpose of natural justice, it is necessary to set aside the no W.S. order and accept written statement of defendant. So, I pass following order.

ORDER

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| <ol style="list-style-type: none">1. Application (Exh.17) is allowed.2. No written statement order passed on 26.06.2025 is hereby set aside and written statement is accepted subject to costs of Rs. 200/-. |
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Date : 14.07.2025.

(V.S. Waghmode)
Civil Judge Junior Division,
Chakur.