

MHLA160009772025 	<u>Reg. Civil Suit No.256/2025</u> <u>Shobha and Ors. Vs. Mahadev & Ors.</u>
---	---

ORDER BELOW EXH.18

This is application to set aside No W.S. order and permission to file written statement.

2. Heard learned Advocate Shri. Panchal for defendant and learned Advocate Shri. S.C. Jadhav for plaintiff at length.

3. I have carefully gone through the record. This is suit for declaration of sale deed as null and void and not binding and ownership and perpetual injunction. The defendant was appeared on 17/01/2026 and sought time as a last chance. He failed to file W.S. on 28/01/2016. His application (Exh.17) was not disclosed sufficient reason, therefore it was rejected. The plaintiff has claimed urgent relief and time to time requested to expedite the case. The defendant tried to prolong the suit. This is ground for granting costs.

4. Considering nature of suit, its subject i.e. landed property and to decide the right and liabilities, the defendant has to grant an opportunity to contest the suit and put forth his defence. For that purpose, need to go through the settled principle of law. An opportunity is the back bone of justice and if it is refused, there is every possibility of miscarriage of justice. It is an important to mention here that, the law and rules of procedure are always handmaiden of justice and not suppose to defeat ends of justice. So, imposing heavy cost will meet the ends of justice. Considering the nature of suit and need of opportunity to contests the same, this

application is deserved to be allowed. Therefore, I reached to the conclusion that, defendant has to grant an opportunity for filing written statement, subject to costs. Hence, I pass the following order.

-:: ORDER ::-

1. The application is allowed and set aside No W.S. order dated 28/01/2026 and defendant is permitted to file written statement subject to cost Rs.1000/-.
2. The defendant shall pay cost to the plaintiff till next date, failing which, order will be automatically cancelled.
3. Both parties shall expedite the suit and should not claim undue adjournment.
4. Order dictated on computer and pronounced in open court.

Date- 10/03/2026
Deoni.

(S.A. Surjuse)
Civil Judge Junior Division,
Deoni.