

MHLA160004262024 	<u>RCS No.120/2024</u> <u>Sushila & Ors. Vs. Baburao & Ors.</u>
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ORDER BELOW EXH.12

This is application for permission to file written statement.

2. Heard learned Advocate Shri. Sabane for plaintiff and learned Advocate Shri. Malbhage for defendant Nos.1 and 5 at length. I have carefully gone through the record. The defendant Nos.1 and 5 are appeared on 16/01/2025 but not filed written statement within stipulated period. This application does not disclosed the sufficient nature of reason. The defendants came with vague reason. Therefore, this fit case to draw inference of deliberate delay.

3. 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 hand maid of justice and not suppose to defeat ends of justice. So, imposing 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 Nos.1 and 5 have to grant opportunity for filing written statement, subject to costs. Hence, I pass the following order.

.. 2 ..

-:: ORDER ::-

1. The application is allowed and defendant Nos.1 and 5 are permitted to file written statement subject to cost Rs.1000/-.
2. The defendants shall pay cost to the plaintiff till next date, failing which, order will be automatically cancelled.
3. Both parties should not claim undue adjournment.
4. Order dictated on computer and pronounced in open court.

Date- 17/07/2025
Deoni.

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