

MHND240001342022



**ORDER BELOW EXH.25**  
**(passed on 15-06-2022)**

1. The present application has filed by learned advocate of the defendants for set-aside no written statement order passed against them. In sum and substance it is stated in that due to some problem and as he could not arranged important documents they could not file their written statement with this submission they prayed for set-aside no written statement order passed against defendants respectively.

2. The learned advocate of the plaintiff given his say below the application and taken objection to grant present application. He submitted that on 15.02.2022 defendants served with suit summons,inspite of that they have not file their written statement within limitation. Their is near about 40 days delay in filing of written statement. The reason given by the defendants are not cogent and satisfied as their is no need of documents for filling of written statement. Hence, present application be reject with cost.

3. On perusal of records available on record, roznama and present application, it apeared that defenants were served with suit summons on 15.02.2022 and they apeared before the court on 02.03.2022 inspite of that they have not file in written statement within time, Hence, no written statement order was

passed against him on 04.05.2022. By this application defendants sought set-aside no written statement order passed against them. Present suit has filed by the plaintiff for perpetual injunction against the defendants. Therefore, it is necessary to give sufficient opportunity to defendants to put their side, rather than denine their application on the ground of negligence. If the present application is allowed, their will no any hardship cause to the plaintiff. Moreover, it will helf to decide real dispute between the party forever. If present application is rejected, then their will increase further litigation, which can take preceous time of the court. However, act of the defendants is not negligible, cosidering this I Pass following order.

**ORDER**

- i) The present application is allowed subject to cost of Rs.500 paid to plaintiff.

Date : 15.06.2022

( Rajesh M. Lolge)  
Jt. Civil Judge, Jr. Divn,  
Naigaon Bz.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Jr.Clerk : V.D. Degaonkar

Court Name : Court of Jt. CJJD, Naigaon(Bz).

Date : 15.06.2022

Judgment signed by the Presiding Officer on : 15.06.2022

Judgment uploaded on : 15.06.2022