

MHNG080013382022



RCS 68/2022

Kalawati Vs. Vishwanath

Order below (Exh.20)

(Passed on 24.03.2025)

This is an application filed by the defendant No.1 for permission to file written statement on record. In short, the defendant No.1 has submitted that the defendant No.1 has received the suit summons on 13.03.2023 and appeared in the court on 10.04.2023. Due to his illness he was not able to contact his advocate. On 20.06.2023 he contacted to his advocate and filed his vakaltnama on record. The defendant No.1 has applied for the Revenue record with the Revenue Authority. But Revenue Authority has not given the certified copies of the Revenue record to the defendant No.1 in time. Therefore the defendant No.1 not able to instruct his advocate regarding preparation of written statement within stipulated time. Hence, the defendant No.1 prayed to grant the permission to file written statement on record in the interest of justice.

2. The plaintiff has filed her reply and strongly opposed the application. The plaintiff submitted that the application and contentions are made without support of

any documents. Hence plaintiff prayed to reject the application with cost.

3. Perused the application, say and record. Heard both sides. The present suit is filed by the plaintiff against the defendants for partition and permanent injunction. The summons to the defendant No.1 is served on 13.03.2023. The limitation to file written statement is completed on 13.06.2023. The present application is filed on 16.10.2023. Therefore there is approximately 4 months delay in filing written statement. But to give fair chance to the defendant and in the interest of principles of natural justice, the application needs to be allowed. The right to defend the suit must be given to the defendant. If the application is allowed then the matter will be decided on merit. Hence, I pass following order :

ORDER

1. The Application is allowed.
2. Written statement of the defendant No.1 is taken on record.

Kamptee
Date : 24.03.2025.

**(Sagar S. Jadhav)
Jt. Civil Judge, Junior Division,
Kamptee.**