

MHNG080018562022



RCS No.88/2022

Bhalchandra Vs. Shobha & ors.

ORDER (BELOW EXH.17)

(Passed on 01.04.2026)

Defendants No.1 and 2 have filed this application for grant of permission to file written statement on record.

2. It is contended that they have filed reply on Exh.05, but due to inadvertence they could not file their written statement on record due to mistake and laches of their Advocate. No prejudice would be caused to the plaintiff, if the application is allowed. Hence, the application.

3. The plaintiff filed his say on the application itself and strongly opposed the application. It is contended that suit summons served on defendants on 19.09.2022 and present application is filed on 21.01.2023. No sufficient and justified ground has been mentioned in the application. Hence, prayed to reject the application with costs.

4. Heard both sides. They have submitted as per the contents of application and say.

5. Perused the record. The plaintiff has filed this suit for declaration and permanent injunction. Record shows that defendants No.1 and 2 served with suit summons on 19.09.2022 and they have

appeared in the suit on 20.09.2022. Therefore, they ought to have file their written statement on or before 20.11.2022. But, they have failed to do so. Though my learned predecessor did not pass no written statement order against the defendants, there is deemed order in that respect. The defendants gave reason that due to inadvertence of their Advocate they could not file their written statement on record. But, this reason is not justified. Though, the reason mentioned in the application is not proper, it is necessary to grant permission to file written statement on record in the interest of justice to decide the suit on merits.

6. The defendants filed present application on 27.04.2023. It means there is delay in filing the application. But, the defendants did not file any application for condoning said delay. In order to grant permission to file written statement on record, it is necessary to condone said delay by imposing some costs on the defendants. The defendants have filed their written statement along with present application. It means they are ready to contest the suit. Therefore, one opportunity needs to be given to them to contest the suit. Hence, the application deserves to be allowed subject to costs. No prejudice would be caused to the plaintiff, if the application is allowed. On the contrary, great prejudice would be caused to the defendants, if the application is rejected. Hence, I pass following order.

ORDER

1. Application (Exh.17) is allowed subject to costs of Rs.1,000/- (Rupees One Thousand Only).
2. The delay is hereby condoned.

3. After paying costs to the plaintiff, written statement of defendants No.1 and 2 will be read and recorded.

DATE : 01.04.2026

(R.R. Sherekar)
Joint Civil Judge Junior Division
Kamptee, Dist. Nagpur.

ENDORSEMENT

Case argued on	:	01.04.2026
Order dictated on	:	01.04.2026
Transcription ready on	:	01.04.2026
Order checked and signed on	:	01.04.2026

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original order.

Name of Steno :- **Sau. P.A.Nirmal**