

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, UMRER

CNR No.MHNG100000162019
Reg. Civil Suit No.03/2019
Sachin+1 Vs. Charudatta+17

ORDER BELOW EXH. 22

(Order passed on 27th day of August, 2019)

[01] Present application is moved by defendant no.1 to 4, 6 to 13, 15 and 16 for permission to file written statement on record. Perused application and the say. Heard both sides. It has been contended by the applicants that due to non availability of material documents they could not file written statement within stipulated period of 90 days. It is contended that they want to contest the matter on merit. Thus, they prayed for allowing the application.

[02] On the other hand, plaintiffs have opposed the application by submitting that defendants despite of knowledge failed to submit their W.S. within stipulated time as per law. It is averred that the reason shown by the defendants is not genuine as well as convensing one. Thus, plaintiffs prayed for rejection of the application.

[03] On perusal of record, it seems that despite of proper service the applicants/defendants failed to submit their written statement within stipulated time of 90 days. It has been contended that the delay for submitting W.S. is not deliberate as well as intentional one and same has been caused due to non availability of documents. No doubt the defendants were duty bound to submit

their W.S. within time, however the suit claim instituted by plaintiffs is relating to the right of approach way about agricultural lands. The material right of defendants is seems to be involved in the suit. The presence of defendants is seems to be necessary for deciding the suit on merit. So far as delay is concern the plaintiffs can be compensated by way of costs. Thus, considering the circumstances on the record the application needs to be allowed. Hence, I pass the following order.

ORDER

- [01] Application (Exh.22) is hereby allowed subject to costs of Rs.1,000/- payable to plaintiffs.
- [02] On payment of costs, written statement submitted by the defendant no.1 to 4, 6 to 13, 15 and 16 be taken on record.

Date : 27.08.2019

[S.K.Fokmare]
Civil Judge Senior Division
Umrer.

Certificate

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

Name of Stenographer : **Mr. Mahendranath D. Nagpure**
Stenographer (Grade III)

Court Name : Civil Judge Senior Division, Umrer

Date : 27/08/2019