

ORDER BELOW EXH.22
(Passed on this 26-02-2026)

The present application is filed by defendant No. 5 and 6 for grant of permission to file written statement on the record. The application is supported with affidavit. The advocate for the plaintiff has given say on the overleaf of the application.

2. Perused the application, say and record. Heard.

3. Defendant No. 5 and 6 have contended that, they are old age suffering from various diseases, therefore they could not contact to their counsel. Therefore, they could not file their written statement within limitation. Hence, they prayed to allow the application.

4. The Counsel of the plaintiff has strongly opposed the application and submitted that defendant No. 5 and 6 have received the suit summons on 17-05-2024. The present application is filed after lapse of 5 months and cause of delay is also not properly explained. Moreover, the matter was kept for compliance of defendant No.5 and 6 since, 20.03.2025. But they failed to comply. Therefore, it shows that defendant No.5 and 6 are intentionally prolonging the matter. Hence, he prayed to reject the application.

5. On perusal of the record, it appears that summons to defendant No. 5 and 6 were served on 17-05-2024 and they appeared through their counsel on 08-08-2024. Thereafter, the present application is filed on 29.01.2026. It is mentioned in the application that defendant No.5 and 6 being old aged could not contact to their counsel, delay occurred for filing of the written statement. Therefore, considering the reason it would not be appropriate to reject the application.

6. Moreover, if the defendants are allowed to file their written statement, it will not cause any prejudice to the plaintiff. Besides this, for effective as well as just decision on merit, it is necessary to grant permission to file their written statement on record. Considering the period of delay in filing written

statement, it is necessary to compensate the plaintiff. Thus, the application is deserved to be allowed in the interest of justice. Hence, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. Written statement filed along with the present application by the defendant No. 5 and 6 be taken on record subject to cost of Rs.700/-.

Date: 26/02/2026.

Sd/-
(Smt. D.C. Vorani)
2nd Jt. CJJD, Ramtek