

Order below Exh.- 40 in R.C.S No.- 3/2018

1] The defendant nos. 4 to 6 and 9 have filed this application for acceptance of written statement as it is not filed within stipulated period of 30 days as contemplated by Order 8 Rule 1 of the Code of Civil Procedure. In support of the application the defendant nos. 4 to 6 and 9 submitted that they were collecting the documents relating to suit, therefore they could not present their written statement within stipulated time, therefore, they may be permitted to file their written statement in the interest of justice.

2] The plaintiffs have filed their say and opposed the application by submitting that the defendants have not filed their written statement deliberately only with a view to prolong the proceeding. They did not mention specific reason for filing their written statement withing stipulated time. Therefore, their application is required to be rejected and if it is allowed then the cost of Rs. 5,000/- be imposed upon them.

3] For the acceptance of written statement after the stipulated period the party must show the reasonable justification which prevented them from filing it. Here in this case considering the contents of the application it appears that there is justifiable explanation offered by the defendant nos. 4 to 6 and 9. Moreover, the opportunity is required to be given to defendant nos. 4 to 6 and 9 to defend this suit on merit. Needless to say that the harassment caused to the plaintiffs due to delay for filing written statement can be compensated by way of awarding reasonable costs. I am of the opinion that the application deserves to be allowed in the interest to the justice subject to heavy costs. Hence, I proceed to pass following order-

ORDER

- 1) Application Exh.- 40 is allowed.
- 2) The W.S. of defendant nos. 4 to 6 and 9 are accepted subject to cost of Rs. 200/-.
- 3) Costs to be paid on or before next date without fail.

Chandwad
Date : 02/01/2019

(K.G. Chaudhari)
Civil Judge, J.D., Chandwad.

Order below Exh.- 47 in R.C.S No.- 3/2018

1] The defendant nos. 1 to 3 have filed this application for acceptance of written statement as it is not filed within stipulated period of 30 days as contemplated by Order 8 Rule 1 of the Code of Civil Procedure. In support of the application the defendant nos. 1 to 3 submitted that they were collecting the documents relating to suit, therefore they could not present their written statement within stipulated time, therefore, they may be permitted to file their written statement in the interest of justice.

2] The plaintiffs have not filed their say on the present application till today. Hence, the application is decided without say of the plaintiffs.

3] For the acceptance of written statement after the stipulated period the party must show the reasonable justification which prevented them from filing it. Here in this case considering the contents of the application it appears that there is justifiable explanation offered by the defendant nos. 1 to 3. Moreover, the opportunity is required to be given to defendant nos. 1 to 3 to defend this suit on merit. Needless to say that the harassment caused to the plaintiffs due to delay for filing written statement can be compensated by way of awarding reasonable costs. I am of the opinion that the application deserves to be allowed in the interest to the justice subject to heavy costs. Hence, I proceed to pass following order-

ORDER

- 1] Application Exh.- 47 is allowed.
- 2] The W.S. of defendant nos. 1 to 3 are accepted subject to cost of Rs. 200/-.
- 3] Costs to be paid on or before next date without fail.

Chandwad
Date : 02/01/2019

(K.G. Chaudhari)
Civil Judge, J.D., Chandwad.