

**Order below Exh.- 21 and 23 in R.C.S No.- 108/2017**

1] The defendant no. 1 has 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 no. 1 submitted that he was collecting the documents relating to suit and he was admitted in the hospital, therefore he could not present his written statement within stipulated time, therefore, he may be permitted to file his written statement and set aside the 'no written statement order in the interest of justice.

2] The plaintiff vide his say at Exh. - 21 and 23 has opposed the application by submitting that the defendant no. 1 has not filed his W.S. deliberately only with a view to prolong the proceedings, therefore, his application is required to be rejected and if it is allowed then the heavy cost be imposed upon him.

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 no. 1. Moreover, the opportunity is required to be given to defendants 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.- 21 and 23 is allowed.
- 2) The W.S. of defendant no. 1 is accepted subject to cost of Rs. 500/- and the order of 'No written statement' is hereby set-aside.
- 3) Costs to be paid on or before next date without fail.

Chandwad  
Date : 10/09/2018

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