

Order below Exh.- 10 in R.C.S No.- 126/2017

1] The defendant nos. 1 to 4 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 defendants submitted that they were not having knowledge of law and they are illiterate persons, 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 vide their say at Exh. - 10 has contended that they have no objection for allowing the application.

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 4. 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. Considering the say of plaintiffs and their defacto no objection, 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.- 10 is allowed.
- 2) The W.S. of defendant nos. 1 to 4 are accepted subject to cost of Rs. 200/-.
- 3) Costs to be paid on or before next date without fail.

Chandwad
Date : 21/04/2018

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