

MHNS240015162022 ORDER EXH NO.19 IN R.C.S. 132/2022



Smt. Narmadabai Daulat Bhamare

Vs.

Shri. Ashok Daulat Bhamare & Ors.

This is an application filed by defendants no 01 and 04 seeking permission for filing of written statement by setting-aside deemed no w.s. order.

**02.** It is the contention of defendants that due to non-availability of important documents within time, they could not file written statement within stipulated period. As such, delay has been caused for filing written-statement. If they are not allowed to file written-statement, then an irreparable loss will cause to them. Hence, they have prayed to allow the application. Plaintiff has strongly objected application on the ground that, the application itself is not tenable. She is suffering from chest pains and therefore, to harass her the defendants no.01 and 04 intentionally have filed the present application. In alternate, she has prayed to allow the application by imposing costs of Rs.5000/- on the defendants.

**03.** Perused application and say. Heard both the parties. I, have gone through the record. It appears that delay is caused

for filing written-statement in the suit. The suit is for declaration, partition and possession. The dispute between the parties is about landed property and valuable rights of parties are involved in the property. Therefore, for the ends of justice and to decide the suit on merits, it is necessary to grant opportunity to the defendants no.01 and 04 to contest the suit by filing written statement. The delay caused to the suit can be compensated by awarding the costs. However, on perusal of record it is seen that, only defendant no.01 filed signed the written-statement along with this application. Hence, following order is passed.

### **ORDER**

01. Application is partly allowed.
02. The defendants no.01 is permitted to file written-statement in the suit subject to costs of Rs. 300/- (Three Hundred Rupees) payable to the plaintiff.

Date. 10/01/2025.

(C.U. Shipkule)  
Civil Judge, Jr.Dn.  
Satana.