

MHOS040013932023 	RCS No. 246/2023 Sachin ..V/s.. Sakhubai & Ors.
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Order passed below Exh. 25 in RCS No. 246/2023

1. This is an application filed by defendant No. 4 setting aside no written statement order dated 30/11/2024 against her. Defendant No. 4 contended that she failed to submit her written statement within the specified period of law due to non availability of necessary documents. The delay caused to appear in the suit was not intentional one. She further contended that the suit is in respect of immovable property and rights of parties are involved in the suit property. Therefore, no written statement order needs to be set aside to decide the suit on merits. Lastly, she prayed for allow the application.
2. The plaintiff has filed his say below the back leaf of this application and strongly opposed the present application on the ground that there is no justifiable reason mentioned in the application, therefore, in such circumstances application may kindly be rejected.
3. Heard both sides at length. Perused the record and proceedings of the case. Record shows that defendant No. 4 was appeared on 13/03/2024. However, she has failed to file her written statement within prescribed period of limitation. Hence, no written statement order was passed on 30/11/2024. There is delay of seven months approximately.

4. The present application is supported with an affidavit and written statement of defendant No. 4. Considering the nature of relief claimed by the plaintiff, presence of defendant No. 4 is very much necessary, therefore, reasons mentioned by defendant No. 4 found to be just and proper. Moreover, the pleadings of both the parties play an important role to decide the suit on merits. An opportunity needs to be given to defendant No. 4 to appear and defend suit and present her defence. At the same time it needs to be considered that due to delay of defendant No. 4, the plaintiff has suffered inconvenience. The said delay can be compensated by imposing sufficient costs on defendant No. 4. Hence, I pass following order -

ORDER

- 1 Application is allowed.
- 2 The no written statement order passed against defendant No. 4 below Exh. 1 dated 30.11.2024 is hereby set aside subject to costs of Rs. 500/- payable to the plaintiff.
- 3 After compliance of costs written statement of defendant No. 4 shall be taken on record.

Date -30.10.2025.
Place – Tuljapur.

(A.R. Mukkanwar)
Civil Judge, Jr. Division,
Tuljapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer : R.M. Kokare
Court Name : Shri. A.R. Mukkanwar, 3rd Jt.CJJD Tuljapur.
Date : 30/10/2025
Judgment signed by the
Presiding Officer on : 30/10/2025
Judgment uploaded on : 30/10/2025