

MHOS100013612021



Reg.Civil Suit No.536/2021
(CNR No.MHOS100013612021)

Order below Exh.26

1. The defendant No. 1 and 2 have filed this application for setting aside 'No W.S. Order' passed against them dated 29/06/2022. The defendants have submitted that, defendant No. 1 is handicapped person and defendant No. 2 is residing with her husband. Due to non availability of important documents, they could not file their written statement within stipulated period. They further submitted that, if the opportunity of filing written statement is not granted to them, irreparable loss will be sustained to them, hence they prayed for setting aside 'No W.S. Order' and permit them to file written statement on record.
2. The say of plaintiff was called, plaintiff filed his no objection.
3. Heard. Perused the record and documents. On perusal it reveals that, after service of summons, the defendant No. 1 and 2 duly appeared before the Court on 03/03/2022. Therefore the defendants ought to have file their written statement within stipulated time as provided under Order VIII Rule 1 of The Code of Civil Procedure, 1908. However, considering the reasons mentioned by defendant No. 1 and 2 in the application and in order to decide the matter on merits, it would be just and proper to give an opportunity to defendant No. 1 and 2 to file

their written statement on record. The provision of Order VIII Rule 1 of The Civil Procedure Code are directory in nature. In this view, considering the peculiar facts and circumstances of the case, the application deserves to be allowed. Hence, I proceed to pass the following order :-

ORDER

- 1) The application is hereby allowed.
- 2) The defendant No. 1 and 2 are hereby permitted to file her written statement on record.
- 3) The written statement filed by the defendant No. 1 and 2 be taken on record.

Date : 08/08/2022

(J. S. Gaikwad)
Civil Judge Junior Division,
Washi.

CERTIFICATE

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

Name of Stenographer	---	A.A. Joshi, Stenographer, (Grade-III)
Court	---	Civil Court, Washi, Tal. Washi, Dist. Osmanabad
Date	---	08-08-2022
Order signed by the presiding officer on	---	08-08-2022
Order uploaded on	---	08-08-2022