

COMMON ORDER BELOW EXH.41 AND 43
(Passed on 26/08/2025)

These applications filed by defendant No.1-C-2 and 1-C-3 for delay condonation and setting-aside no Written Statement order passed against them.

2) Plaintiff has not filed his say even after giving ample oppourtunities. Heard, Ld. Advocate for defendant No.1-C-2 and 1-C-3. Plaintiff and his Ld. Advocate are absent when called, therefore argument on behalf of plaintiff could not be heard.

3) Perused the application and record. The present suit is filed for recovery of possession in respect of immovable property. The present application filed by defendant No.1-C-2 and 1-C-3 and prayed for delay condonation and set aside No W.S. order passed against them. Record shows that no W. S. order is not passed. According to them due to unavailability of material documents and necessary informant, they could not file their written statement within stipulated period. Considering the reason and in the interest of justice it appears that opportunity should be given to defendant No.1-C-2 and 1-C-3 to contest the suit. It is well settled principle of law that, every dispute shall be decided on merits and opportunity being heard should be given to all parties. It seems that the valuable right of the defendant No.1-C-2 and 1-C-3 is also involved in the subject matter of the present suit. In such circumstances, it would be just and

proper to give opportunity to the defendant No.1-C-2 and 1-C-3 to contest suit and it will also assist to the court to decide the controversy between the parties on merit. Hence, I proceed to pass the following order.

:- ORDER :-

- 1) Applications Exh. 41 and 43 are hereby allowed subject to cost of Rs.400/- (Rs. Four Hundred only) to the plaintiffs and defendant No.1-C-2 and 1-C-3 are permitted to file their written statement.
- 2) Written statement of defendant No.1-C-2 and 1-C-3 will be accepted after compliance of the order and they shall comply the order on or before next date.

Ghodegaon

Date :- 26/08/2025

(Santosh L. Vaidya)

**Jt. Civil Judge (J.D.),
Ghodegaon, Dist. Pune.**