

Order below Exh.45 in R.C.S. No.13/2019

Perused the application and say filed on it.

02. It is the contention of defendant No.12 that he appeared through his advocate on 28/06/2022 through his advocate. Said defendant was very busy in his business work, political work and social work. During meantime, due non availability of documents, he could not file his written statement within time. Hence, the Court has passed no written statement order against defendant on 11/10/2022. It is necessary to file the written statement of said defendant on record. If he is not permitted to file written statement, he will suffer irreparable loss. Hence, it is prayed that no written statement order passed against defendants be set aside.

03. The plaintiff has filed say and submitted that reasons mentioned in this application are not true and correct. No documentary evidence has filed on record. Hence, prayed to cost of Rs.5,000/-.

04. Perused the record and proceeding. After perusing the record and proceeding it reveals that suit summons have been served on said defendant and he appeared before the Court on 14/03/2022. But he has failed to file the written statement within time. Hence, my learned predecessor has passed “No written statement order” against said defendant on 11/10/2022. Thereafter, said defendant has filed the present application on 12/12/2022. The application is supported by the affidavit. The suit involves the valuable

rights of the parties. Sufficient opportunity is required to be given to the parties to defend their case. From perusal of roznama, it appears that, there is delay to file the written statement. Considering these facts and considering the reasons and the nature of the suit, it would be just and proper to allow the present application as it will not cause any prejudice to plaintiffs. However, considering the delay for filing written statement, it would be just and proper to saddle defendant with costs. Considering this, I pass the following order.

ORDER

1] Application at Exh.45 is allowed subject to cost of Rs. 300/- (Rs. Three hundred) to be paid to plaintiff on or before next date.

2] After payment of cost, “No written statement order” dated 11/10/2022 passed against defendant No.12 will be set aside.

Date : 20/06/2025

(Smt. A. S. Wadkar)
Civil Judge J.D., Karjat,
District - Raigad