

**Order below Exh.151 in R.C.S. No.125/2012**

Perused the application filed by defendant No.2/1 and 2/2 and say filed on it.

02. It is the contention of defendants that suit summons has been served on 21/10/2024. Thereafter defendants have appeared through advocate. But they cannot file their written statement within time. Due to non availability of documents and their illness, defendants could not file their written statement within time. Hence, the Court has passed no written statement and say order against defendants on 28/04/2025. It is necessary to file the written statement of defendants on record. If they are not permitted to file written statement, they will suffer irreparable loss. Hence, it is prayed that no written statement order passed against defendants be set aside.

03. The plaintiff has filed his say and submitted that the defendants have not given any cogent reason for delay. Still application may be allowed, subject to cost in the interest of justice.

04. Perused the record and proceeding. After perusing the record and proceeding it reveals that suit summons have been served defendants and they appeared before the Court on 13/01/2025. But they have failed to file the written statement within time. Hence, I have passed “No say and written statement order” against defendants on 28/04/2025. Thereafter, defendants have filed the present application on

17/06/2025. 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 the plaintiff. However, considering the delay for filing written statement, it would be just and proper to saddle defendants with costs. Considering this, I pass the following order.

**ORDER**

1] Application at Exh.151 is allowed subject to payment of cost of Rs.500/- (Rs. Five hundred) to be paid to the plaintiff by defendant No.2/1 and 2/2.

2] No written statement and say order dated 28/04/2025 passed against defendant No.2/1 and 2/2 will be set aside after payment of cost mentioned as above.

Date : 04/08/2025

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