



Order below Exh.16 in R.C.S. No.47/2023

Perused the application and say filed on it.

02. It is the contention of defendant No.1 that due to non availability of necessary documents related to the suit and illness of defendant No.1, he could not file his written statement within time. Hence, the Court has passed no written statement order against defendant No.1 on 12/08/2024. It is necessary to file the written statement of said defendant on record. If he is not permitted to file his written statement, he will suffer irreparable loss. Hence, it is prayed that no written statement order passed against defendant be set aside.

03. The plaintiff has filed his say and submitted that reason mentioned in the application is not sufficient and not true. No documentary evidence has been filed on record by the defendant about delay. Hence, prayed to reject the said application.

04. Perused the record and proceeding. After perusing the record and proceeding it reveals that defendant No.1 has appeared in the suit on 24/04/2023 but failed to file his written statement. Hence I have passed “No written statement order” against defendant on 12/08/2024. Thereafter, defendant has filed the present application on 22/10/2024. 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.16 is allowed subject to cost of Rs. 1000/- (Rs. One thousand) to be paid to the plaintiff on or before next date.

2] After payment of costs, “No Written Statement” Order dated 12/08/2024 passed against defendant No.1 will be set aside.

Date : 18/02/2025

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