

MHRG110000032021



ORDER BELOW EXH. 18 IN R. C. S. NO. 01/2021
(Passed on 08.08.2023)

This is an application filed by defendants No. 1, 3, 4, 6 for setting aside no written statement order dated 21.09.2021 and permission to file written statement on record.

2. The plaintiffs have filed say and opposed to the application on ground that, there is no reasonable ground mentioned in the application. Hence, pray to reject application.

3. Heard leaned counsel of both sides at sufficient length.

4. On perusal of record. It is seen that defendant No. 1, 3, 4, 6 failed to file written statement on record within stipulated period. Hence, order passed below Exh. 1 and proceed matter without written statement against defendant No. 1, 3, 4, 6. Matter is pending for hearing, now defendant No. No. 1, 3, 4, 6 filed this application for setting aside the order of without written statement passed on 21.09.2021. Defendant No. 1, 3, 4, 6 filed this application on 27.07.2023 there is 1 year, 10 months and 06 days between two aforesaid date. Therefore, at this juncture, it is necessary to allow defendant No. 1, 3, 4, 6 to file written statement on record, for contest said matter on merit. If, defendant No. 1, 3, 4, 6 is not allowed to file written statement then they are unable to put forth their defence. If, defendant No. 1, 3, 4, 6 is allowed to file

written statement on record then it will cause no prejudice to the plaintiffs, it is helpful in adjudication of matter on merit and to avoid multiplicity in the proceeding. So far as, delay in filing said application is concerned, by awarding costs, it will suffice the purpose. Hence, in the interest of the justice, I proceed to pass following order.

ORDER

1. Application at Exh. 18 is allowed.
2. Defendant No. No. 1, 3, 4, 6 are permitted to file Written Statement on record in the interest of justice, subject to cost of Rs. 2,000/- (Rupees Two Thousand only) be paid to plaintiffs on or before next date.
3. Defendant No. 1, 3, 4, 6 to comply said order on or before next date.
4. On paying or depositing the costs of amount the written statement of defendant No. 1, 3, 4, 6 be taken on record.

Mangaon,
Date : 08.08.2023.

(G. C. Fulzalke)
Joint Civil Judge Junior Division,
Mangaon, Dist. Raigad.