

**MHRG110003882018**



**ORDER BELOW EXH. 37 IN R. C. S. NO. 70/2018**  
**(Passed on 26.06.2023)**

This is an application filed by defendants No. 4 and 5 for setting aside no written statement order dated 26.09.2019 and permission to file written statement on record.

2. The plaintiff has 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. 4 and 5 failed to file written statement on record within stipulated period. Hence, my learned predecessor order passed below Exh. 1 and proceed matter without written statement against defendant No. 4 and 5. Matter is pending for hearing, now defendant No. 4 and 5 filed this application for setting aside the order of 'no written statement' passed on 26.09.2019. The reason is given for causing delay for filing written statement on record is that, due to ill health of the defendant, the defendant could not approach his counsel. Hence, 'No Written Statement' order dated 26.09.2019 passed against the defendant No. 4 and 5. Defendant No. 4 and 5 filed this application on 26.06.2023 there is 3 years, 9 months between two aforesaid date. Therefore, at this juncture, it is necessary to allow

defendant No. 4 and 5 to file written statement on record, for contest said matter on merit. If, defendant No. 4 and 5 is not allowed to file written statement then they are unable to put forth their defence. If, defendant No. 4 and 5 is allowed to file written statement on record then it will cause no prejudice to the plaintiff, 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. 37 is allowed.
2. Defendant No. 4 and 5 are permitted to file Written Statement on record in the interest of justice, subject to cost of Rs. 3,500/- (Three Thousand Five Hundred Rupees only) be paid to plaintiff on or before next date.
3. Defendant No. 4 and 5 to comply said order on or before next date.
4. On paying or depositing the costs of amount the written statement of defendant No. 4 and 5 be taken on record.

Mangaon,  
Date : 26.06.2023

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