

MHRG110009412021



ORDER BELOW EXH. 13 IN R. C. S. NO. 78/2021
(Passed on 31.01.2023)

This is application filed by the defendant for setting aside no written statement order dated 22.06.2022 and permission to file written statement on record.

2. The plaintiff has filed say and submitted that, the defendant not filed say and written statement within time. Hence, pray to reject application with heavy cost.

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

4. On perusal of record. It is seen that, the defendant failed to file written statement on record within stipulated period. Hence, order passed below Exh. 1 on 22.06.2022 and proceed matter without written statement against the defendant. Evidence yet to be start, now the defendant filed this application today for setting aside the order of without written statement passed on 22.06.2022. The defendant stated that, he could not obtained necessary documents within appropriate time. Hence, failed to file written statement on record. Today the defendant file present application. There is duration period 07 months and 10 days between two aforesaid date.

5. At this juncture, it is necessary to allow the defendant

to file written statement on record, for contest said matter on merit. If, the defendant is not allowed to file written statement then he is unable to put forth his defence. If, the defendant 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 to the plaintiff, it will suffice the purpose. Hence, in the interest of the justice, I pass following order.

ORDER

1. Application at Exh. 13 is allowed.
2. The defendant is permitted to file Written Statement on record in the interest of justice, subject to cost of Rs. 700/- (Seven Hundred Rupees only) be paid to the plaintiff on or before next date.
3. The defendant to comply said order on or before next date.
4. On paying or depositing the costs of amount the written statement and say of the defendant be taken on record.

Mangaon,
Date : 31.01.2023

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