

MHRG110011352021



ORDER BELOW EXH. 20 IN R. C. S. NO. 88/2021
(Passed on 07.09.2022)

This application filed by the defendants for setting aside no written statement order dated 12.07.2022 and permission to file written statement on record.

2. The plaintiff has filed say and submitted that, suitable order may be passed.

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

4. On perusal of record. It is seen that, defendants failed to file written statement on record within stipulated period. Hence, order passed below Exh. 1 on 12.07.2022 and proceed matter without written statement against the defendants. Matter is at stage of evidence, now the defendants filed this application today for setting aside the order of without written statement passed on 12.07.2022. The defendants stated that, they could not obtained necessary documents within appropriate time. Hence, failed to file written statement on record. The defendants filed the present application on 07.09.2022 there is duration period 57 days between two aforesaid date.

5. At this juncture, it is necessary to allow the defendants to file written statement on record, for contest said matter on

merit. If, the defendants are not allowed to file written statement then they are unable to put forth their defence. If, the defendants are 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 plaintiffs, it will suffice the purpose. Hence, in the interest of the justice, I proceed to pass following order.

ORDER

1. Application at Exh. 20 is allowed.
2. The defendants are permitted to file Written Statement on record in the interest of justice, subject to cost of Rs. 200/- (Two Hundred Rupees only) be paid to the plaintiff on or before next date.
3. The defendants to comply said order on or before next date.
4. On paying or depositing the costs of amount the written statement of the defendants be taken on record.

Mangaon,
Date : 07.09.2022

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