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Reg.Civil Suit No. 24/2023.
Ujjwalkumar Ghosh Vs. Devendra Potdar & 1.
CNR No. MHRG1300-0400-2023.

ORDER BELOW EXH. No. 27.

This is an application moved by defendant No.1 & 2 for permission to take their written statement on record. According to them, they could not obtain necessary documents to file their Say. Therefore they could not able to attend the Court and communicate with their advocate. Therefore, they prayed to allow them to appear and file their W. S. The plaintiff strongly opposed to the application on the ground that in present application defendants did not gave any proper reason. Application is filed with delay of 427 days. Hence he prayed to reject the application.

2] I have gone through the record and proceeding. Record shows that, sufficient time was granted to defendants to file their Say, but they failed to file say within time. The present suit was filed against defendant for perpetual injunction and encroachment. Therefore, substantial right and interest of defendants are involved in present application. In such situation, In view of principle of natural justice and for fair trial, it is necessary to give chance to defendants to put their defence. If, application is rejected, then great prejudice will caused to defendants. Thus, in view of principal of natural justice application deserved to be allowed. Considering the period of delay, heavy costs need to be imposed on defendants. Hence, the following order.

:: **ORDER** ::

1. The application is allowed subject to costs of Rs. 2,000/- (Rupees two thousand only) to be paid to plaintiff on or

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before next date.

2. On payment of costs, written statement of defendants be taken or record.

Shriwardhan
Date: 12/12/2024.

(Shri. A. S. Satote)
Civil Judge Junior Division,
Shriwardhan