

**Regular Civil Suit No.30/2025
Atmaram Vs. Kashiram**

**ORDER BELOW EXH. 61
(Passed On 08/10/2025)**

This is an application filed by Ld. Advocate Shri. Patil on behalf of the defendants no.3,6,8,9,11 to13,15,16 to 18,21,22A,23A,23B,28,30 to 37 and he has submitted that, on 11.09.2025 this court has allowed his adjournment application on cost of Rs.500/-. He also submitted that, on 11.08.2025 he was appeared and received copy of plaint on very same date. So, as per judgment of the Hon'ble Bombay High Court in Goutam Dham Co. Op. Hou. Soc. Ltd. Vs. Funds and Properties of Parsi Panchayat, Bombay and ors. Interim Application No.4761/2025 in suit no.393/2022 dated 20.09.2025 he sought prayer to revoke the order of cost and allow him to file say and written statement on record.

2. Ld. Advocate for the plaintiff has filed his say and submitted that, reason mentioned in this application is not acceptable, in the interest of justice necessary order may be passed.

3. Heard both Ld. Advocate. On perusal of record and proceeding it appears that, as per order 4 rule 1 of CPC every suit shall be instituted by presenting a plaint in duplicate to the court. As per order 5 rule 1 and order 8 rule 1 of CPC when, a suit has been duly instituted, a summons may be issued to the defendant to appear and answer the claim and to file the written statement of his defence, if any within

30 days from the date of service of summons on the defendant. In view of bailiff report on 23.06.2025 summons was served on the defendants and on 11.08.2025 and 27.05.2025 defendants were appeared but failed to file the written statement within the said period of 30 days. Hence, they were allowed to file the same on such other day for reasons to be recorded in writing while passing an order below Exh.52. The cost was imposed for delay caused by the defendants. However, during passing this order Ld. Advocate Shri. Patil on behalf of the defendants has submitted that he is ready to deposit cost. So, considering nature of this suit and defence of these defendants proposed written statement is appears to be only signed by the defendant no.12 and 34. There is no signature of other defendants appears to be made on written statement. So, in view of order 8 rule 10 of CPC defendant no.12 and 34 are allowed to file their written statement even after laps of 90 days from date of service of summons, only to avoid multiplicity in this suit and in the interest of justice. Their say and written statement does not support with the affidavit. Thus, following order is passed.

ORDER

This application is partly allowed, subject to deposit cost dated 19.09.2025 of Exh.52 in to the court. Thereafter, say and written statement of defendants no.12 and 34 being taken on record.

Sd/-

Place : Chiplun,

(Yuvraj Chandrakant Patil)

Date : 08.10.2025

Judicial Magistrate First Class, Chiplun.

:-Certificate :-

I Affirm That The Contents Of This Order And The P.D.F. File Of This Order Are Same, Word To Word, As Per The Original Order.

Name Of Stenographer	Shri.M.E.Arekar
Name Of Court	Jt. C.J.J.D.& J.M.F.C.,Chiplun
Date Of Decision	08/10/2025
Order Signed By The P.O. On	08/10/2025
Order Uploaded On	08/10/2025