

Rashmi Salgaonkar

Vs.

Ranjana Khavanekar etc.1

Order Below Exh. 38 In R.C.S.No. 15/2021

Perused the common application filed by defendant Nos. 1 and 2 and say filed by the plaintiff at Exh.39. Heard both parties. Perused the record. It appears that, suit is for declaration, permanent injunction, partition and separate possession in respect of the suit properties. Matter is pending for hearing. Defendant Nos. 1 and 2 failed to file their written statements within stipulated period. Hence, no written statement order is passed below Exhibit 1 on 10/06/2022 against defendant Nos. 1 and 2. It further appears that, this application for setting aside no written statement order is filed on 17/01/2024 whereas defendant Nos. 1 and 2 are duly served with suit summons on 03/03/2021 and 17/02/2021 vide bailiff reports at Exh. 6 and 7 respectively. It has been stated that due to insufficient documents, they could not file their written statements within stipulated period. Reasons mentioned in the application seems quiet just and proper. Delay is near about two and half years. Delay is much and not properly explained. But, in order to solve the real dispute between the parties and for effective adjudication written statements of defendant Nos. 1 and 2 must be on record. Hence, in view of reasons mentioned in the application and in the interest of justice, I proceed to pass following order -

ORDER

1. The application (Exh.38) is allowed subject to total costs of Rs. 4000/- (Rs. Four Thousand only). Defendant Nos.1 and 2 each have to pay costs of Rs.2000/- to plaintiff on or before next date without fail. In default, effect of this order will be vacated.
2. After compliance of the costs amount, the

common written statement of defendant Nos. 1 and 2 shall be read & recorded.

3. No written statement order dated 10/06/2022 is hereby set aside.

(Pronounced and dictated in the open Court.)

Sd/-

(K.K.Patil)

Date : 23/01/2024.

Civil Judge, Jr.Dn., Vengurla.