

Janardan Gawade

Vs.

Dhondu Gawade etc.

Order Below Exh. 25 In R.C.S.No. 09/2023

Perused the application filed by defendant No.1 and say filed by the plaintiffs on it. Heard both parties. Perused the record it appears that, suit is for partition, separate possession, declaration and permanent injunction in respect of the suit properties. Matter is pending for hearing. defendant No.1 failed to file his written statement within stipulated period. No written statement order is passed below Exhibit 1 on 17/08/2023. It further appears that, this application for setting aside no written statement order is filed on 09/11/2023 whereas suit summons is duly served on defendant No.1 on 21/04/2023 vide bailiff report at Exh.08. It has been stated that since he is suffering from diabetes and heart diseases, he could not file his written statement within stipulated period. Reasons mentioned in the application seems not quiet just and proper. Delay is near about 3 to 4 months. Delay is much. But, in order to solve the real dispute between the parties and for effective adjudication written statement of defendant No.1 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.35) is allowed subject to costs of Rs. 200/- (Rupees Two hundred only). Defendant No.1 has to pay costs of Rs. 200/- to the plaintiff on or before next date. In default the effect of present order will be vacated.
2. The written statement of defendant No.1 shall be read & recorded.
3. No written statement order dated 17/08/2023

is hereby set aside.

(Pronounced and dictated in the open Court.)

Sd/-

(K.K.Patil)

Date : 21/12/2023.

Civil Judge, Jr.Dn., Vengurla.