

**Ramakant Dhond  
Vs.  
Mahadev Kavale etc.**

**Order Below Exh. 33 In R.C.S.No. 41/2020.**

Perused the application filed by defendant No. 3 and say filed by the plaintiff at Exh.34. Heard both parties. Perused the record it appears that, suit is for permanent injunction in respect of suit properties. Matter is pending for the hearing. defendant No. 3 failed to file his written statement within stipulated period. No written statement order is passed below Exhibit 1 on 10/12/2021. It further appears that, this application for setting aside no written statement order is filed on 23/11/2022, whereas defendant No.3 is duly served with suit summons on 18/07/2020 through bailiff report at Exh. 9. It has been stated that due to insufficient documents and sickness of defendant No.3, he could not file his written statement within stipulated period. Reasons mentioned in the application seems not quiet just. Delay is about two and half years. Delay is much. But in order to solve the real dispute between the parties and for effective adjudication written statement of defendant No. 3 must be on record. However, at the same time much delay for the trial caused due to act of defendant No. 3 and suffering caused to plaintiff can't be ignored. Hence, in the interest of justice, I proceed to pass following order.

**ORDER**

1. The application is allowed subject to cost of Rs.500/- (Rs. Five hundred only). Defendant No.3 has to pay costs of Rs.500/- to the plaintiff on or before next date without fail.
2. After compliance of the cost amount, written statement of defendant No. 3 should be read & recorded.
3. No written statement order dated 10/12/2021 is hereby set aside.

(K.K.Patil)

Date : 04/01/2023.

Civil Judge, Jr.Dn., Vengurla.