

Gangaram Rawool

Vs.

Nagesh Rawool etc.

Order Below Exh. 44 In R.C.S.No. 69/2021

Perused the application filed by defendant Nos.1, 2, 6, 7 and 13 and say filed by the plaintiff on it. Heard both parties. Perused the record it appears that, suit is for permanent injunction, declaration and recovery of possession in respect of the suit properties. Matter is pending for hearing. Defendant Nos. 1, 2, 6, 7 and 13 failed to file their written statements within stipulated period. No written statement order is passed below Exhibit 1 on 03/08/2022. It further appears that, this application for setting aside no written statement order is filed on 25/01/2023 whereas defendant Nos. 1, 2, 6, 7 and 13 are duly served with suit summons on 16/12/2021 vide bailiff report at Exh.6, 7, 11, 12 and 18 respectively. It has been stated that due to insufficient documents and Covid-19 pandemic they could not file their written statements within stipulated period. Reasons mentioned in the application seems not quiet just. Delay is about two months. Delay is not much. But in order to solve the real dispute between the parties and for effective adjudication written statements of defendant Nos. 1, 2, 6, 7 and 13 must be on record. However, at the same time delay for the trial caused due to act of defendant Nos. 1, 2, 6, 7 and 13 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 total cost of Rs.1000/- (Rs. One thousand only). Defendant Nos. 1, 2, 6, 7 and 13 each have to pay costs of Rs.200/- to the plaintiff on or before next date without fail. In default, the effect of present order will be vacated.

2. After compliance of the cost amount, written statement of defendant Nos. 1, 2, 6, 7 and 13 should be read & recorded.
3. No written statement order dated 03/08/2022 is hereby set aside.

(Pronounced and dictated in the open Court.)

(K.K.Patil)

Date : 12/07/2023.

Civil Judge, Jr.Dn., Vengurla.