



CNR No. MHSI070000392022
Order passed below Exh. No. 84
(I.A. No.01/2024) in R.C.S. No.29/2024

The present application is filed by the defendant no.1 to grant permission to file written statement.

2. The defendant no. 1 has contended that, he has not filed written statement within stipulated period. Moreover, no order of no written statement is passed against the defendant no.1. Therefore, it is prayed that delay be condoned and defendant no.1 be permitted to file written statement.

3. The plaintiff has resisted the application by filing say at Exh.23. The plaintiff has contended that no satisfactory reasons are given for the said delay. The present application is filed to prolong the matter, therefore, prayed to reject the application.

4. Heard the learned advocate for the plaintiff and defendant no.1. Both the parties have reiterated the contentions of application and say. Perused the record. The record shows that on the suit summons was duly served to the defendant no.1 and in pursuance of suit summons the defendant no. 1 has appeared before the court. However, the defendant no. 1 has not filed written statement within the stipulated period of 90 days. However, no order of no written statement was passed against the defendant no.1.

5. The present suit is filed for partition and possession of separate share. The valuable rights of the parties are involved in the present case. The present suit is pertaining to the immovable property. Therefore, in order to arrive at just decision of the case, it would be just and proper to grant an opportunity to the defendant no.1 to put up his case. Therefore, it would be just and proper by imposing Costs upon the defendant no.1 allow him to file written statement. Hence, I pass following order.

ORDER

1. The application at **Exh.22** is hereby allowed and defendants no.1 is permitted to file written statement subject to payment of Costs of Rs.100/- (Rupees One Hundred Only)
2. The Costs amount be paid by the defendant no.1 to the plaintiff.

(Pronounced and dictated in open Court.)

Place - Malvan
Date - 16/11/2024

Mahesh R. Devkate
Civil Judge Jr.Dn., Malvan.