

CNR No. MHSI070004792018
Order passed below Exh. No.101
in R.C.S. No. 94/2018

Defendant Nos. 1A, 1B, and 1D have made the present application seeking to set aside the “no written statement” order passed against them. It is their contention that after the demise of original defendant No. 1, defendant No. 1A suffered mental shock and, thereafter, fell ill. She has been under treatment for high blood pressure and diabetes. Defendant No. 1D had to accompany her for medical purposes, while defendant No. 1B, being a married daughter residing in her matrimonial home, could not assist in gathering necessary documents within the prescribed time. Owing to these circumstances, the written statement could not be filed within limitation. Hence, they prayed to allow the application.

2. The plaintiff has resisted the application by filing his say on the overleaf of the application. It is contending that the reasons put forth are false and frivolous. It is contended that the defendants have deliberately delayed the matter. Therefore the application be rejected with costs.

3. Heard both sides and perused the record. The suit relates to immovable property and valuable rights of these defendants are involved. It is in the interest of justice

that the matter be decided on merits. An opportunity needs to be granted to these defendants to file their written statement. Any inconvenience caused to the plaintiff can be compensated by imposing costs upon these defendants. Accordingly, the application deserves to be allowed. Hence following order,

ORDER

1. The application at Exh. 101 is allowed subject to payment of costs of Rs. 500/- to be paid by defendant Nos. 1A, 1B, and 1D to the plaintiff on or before the next date.
2. Upon payment of costs, the written statement filed by defendant Nos. 1A, 1B, and 1D shall be read and recorded.

(Pronounced and dictated in open Court.)

Place : Malvan
Date : 09/09/2025

M.K.Fakih
Civil Judge (J.D.) Malvan.