



CNR No. MHSI070006412023
Order passed below Exh. No.17
in R.C.S. No. 121/2023

Defendant has filed the present application seeking to set aside the “No Written Statement” order passed against him. It is contended that the necessary information and documents were not available with defendant to file his written statement. Therefore he could not file the same within the stipulated time. On these grounds, he has prayed to allow the application. He further submit that the delay was not deliberate, and if the application is not allowed, then he will suffered irreparable loss. Hence prayed to allow the application.

2. The plaintiff has resisted the application by filing a say at Exh. 18. It is contended that the reasons advanced therein are not satisfactory. It is therefore prayed that the application be rejected.

3. Heard both sides and perused the record.

4. The suit pertains to immovable property, and valuable rights of the defendant is involved. In order to ensure that the matter is decided on merits, an opportunity ought to be given to the defendant to file his written statement. The reasons advanced by the defendant appear to be genuine. The application is supported by an affidavit. Any inconvenience caused to the plaintiff can be

compensated by imposing costs upon the defendant. Therefore, the application deserves to be allowed. Hence following order,

	<u>ORDER</u>
1.	The application at Exh. 17 is allowed, subject to payment of costs of Rs. 300/- to be paid by defendant to the plaintiff on or before the next date.
2.	Upon payment of costs, the written statement filed by defendant shall be read and recorded.
	(Pronounced and dictated in open Court.)

Place : Malvan
Date : 21/02/2026

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