

**Order below Exh.27 in R.C.S.27/2022
(Milind Ramrao Patil Vs. Adhik Jaywant Patil)**

Defendant No.1 moved the present application for setting aside No W.S. order passed against him. It is contended that some matters are pending between the plaintiff and defendant No.1 in another Court. As he suffering from physical problem, he could not file written statement within stipulated time. Therefore, he prayed to allow the application.

2. Plaintiff has filed his say vide Exh.28 and denied all the contention in toto. According to plaintiff, the reasons mentioned in the application are not reasonable. The defendant is intentionally delayed to file the written statement. Hence, prayed to reject the application and in the alternative, if the Court allows the application, heavy costs may be saddled.

3. Perused the application and the say filed thereto. Heard the Advocates representing the parties. The defendant No.1 were expected to file the written statement on or before 02.02.2024. Since they did not file the same, an order of 'No Written Statement' was passed. On perusal of the application, the ground for not filing the written statement in time appears to be convincing. However, for causing delay the defendant No.1 can be saddled with cost. Considering the nature of the suit, it is expedient that an opportunity shall be given to defendant No.1 to contest the suit on merits. Hence, the application is allowed subject to costs of Rs. 500/- to be paid the plaintiff on or before next date, whereon the written statement can be accepted. Failure to comply with the order would make the order of 'No Written Statement' to stand.

Date:-11.07.2024
Sangli.

(Shubhangi H. Nalawade)
8th Jt.Civil Judge Jr. Dn., Sangli.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	:	R. B. Samalewale,
Court Name	:	Smt. S. H. Nalawade, 8 th Jt. C.J.J.D., Sangli.
Date of order/judgment	:	11.07.2024
Signed by P.O.on Judgment	:	12.07.2024
Uploaded on	:	12.07.2024