

Order below Exh.21 in RCS No.292/2024
(Vinayak Jadhav / Subhadra Jadhav & Ors)
(CNR NO.MHSN02-002309-2024)

This is an application filed by defendant Nos.1 and 2 for condonation of delay to file their written statement and setting aside No Written Statement order.

2. According to defendant Nos.1 and 2, they were served with suit summons on 06.09.2024. The statutory period was till 06.12.2024. They have prepared and filed their Written Statement on 09.12.2024. Hence, there is delay of three days to file the Written Statement. However, due to insufficient instructions, the W.S. was not filed by them. There was no intentional delay to file the W.S.

3. Plaintiff filed his say at Exh.25. According to him, all the contents of this application are false and frivolous in nature. The reason mentioned for setting aside the said order is non-justifiable and there is an intentional delay. Thus, the application is liable to be rejected. In case, this Court comes to conclusion that it is necessary to permit defendant Nos.1 and 2 to present their Written Statement on record, the maximum cost be imposed upon them.

4. Perused the record. Heard both sides.

5. The order in dispute is looking to be passed on 21.11.2024 below Exh.18 whereby my Ld. Predecessor rejected the adjournment application of defendant Nos.1 and 2. Upon perusal of e-record, it occurs that concerned defendants have been served with suit summons on 18.09.2024. Hence, looking at the statutory period of 90 days, they were expected to file their W. S. However, the present application has been made on 02.01.2025. But they have looking to be filed their W. S. on 09.12.2024

without any application for setting aside the order of my Ld. Predecessor. Therefore, there is no diligence on the part of defendants to file their Written Statement on record. So also the reason forwarded by defendants is not looking to be a satisfactory one. However, in the interest of justice and in order to maintain fairness in trial, it is necessary to condone the delay for filing written statement on record. Therefore, the defendant Nos.1 and 2 should be subjected to the payment of some amount of costs before setting aside the No W.S. order and taking their written statement on record. Accordingly, I pass following order.

ORDER

1. Application is allowed.
2. The Written Statement of defendant Nos.1 and 2 be taken on record subject to payment of costs of Rs.200/- to plaintiff.
3. Payment of costs will be the condition precedent.

Sangli
Date:-28.11.2025

(Onkar S. Shastri)
5th Jt. Civil Judge Jr. Dn., Sangli