

ORDER BELOW EXH.21 IN RCS 317/2024**(Maya Pujari Vs. Annapurna Patil & Ors.)**

The present application is filed by the defendants no. 2 to 5 for setting aside no say order passed on Exh. 1 on 09.05.2025.

2. It is the contention of the present defendants that, due to the change of designation of this Court and time passed for the passing of order on application under Order 7 Rule 11 of C.P.C., they couldn't file W.S. and say. There is total delay of 4 months 5 days in filing of W.S. The said delay was not intentional. Therefore, considering this situation the defendants prayed for setting aside no say order.

3. The present application is strongly objected by the plaintiff by filing say at Exh. 23. The plaintiff denied all the contentions in the application and stated that, the present application is filed to delay the proceeding. The defendants never sought an adjournment for filing of W.S. Therefore considering all these contentions this application be rejected.

4. Perused the application and say filed. Heard both sides. Perused the record.

5. Admittedly, there was 4 months 5 days delay in filing of W.S. and on 09.05.2025, No W.S. Order passed against the defendants no. 2 to 5. The change in the designation of the Court has nothing to do with the filing of written statement. Therefore, it is absolutely meritless contention. However, considering the fact the W.S. is

necessary for putting forth the defence of the defendants. There is delay in filing this application also. However, to decide the matter on merit and to bring the truth in the light, it is necessary to allow this application. It is also necessary for the just and fair decision of the case. For the reasons recorded above, I am inclined to allow this application as under-

ORDER

1. The application is allowed.
2. No W.S. and no say order dated 09.05.2025 against the defendants no. 2 to 5 is hereby set aside subject to cost of Rs.700/-.

Place : Sangli.

Date : 05/07/2025.

(Rohini Sambhaji Patil)

Jt. Civil Judge, Jr. Div., Sangli.