

**ORDER BELOW EXH. 38 IN R.C.S. NO. 698/2021**  
(CNR : MHSN050044602021)

1. The defendants have filed this application for setting aside 'no written statement' order passed against them. It is submitted that the documents have not been received by defendants within time therefore they failed to file their written statement within time. Hence 'no W.S.' order is passed. It is submitted that by setting aside 'no W.S.' order they may be permitted to file written statement.

2. Say of the plaintiff is called. She submitted that the defendants intentionally to prolong the matter have not filed written statement therefore, application be rejected. If allowed, heavy costs may be imposed.

3. On perusal of record it appears that the suit summons has been served to the defendants in the month of December 2021 and in the month of January 2022 and they have filed this application after 7 – 8 months of service of summons. The reason given by the defendants is not appear to be justifiable. But, in the interest of justice, one opportunity has to be given to the defendants to state their defence. Therefore, considering delay to file written statement in the interest of justice application is liable to be allowed subject to costs. Hence, order.

**ORDER**

1. The application is allowed.
2. 'No W.S.' order is hereby set aside subject to costs of Rs.1000/- (Rupees One Thousand Only) against defendants. Costs be paid to the plaintiff.

Islampur  
Date: 19/9/2022

(V. G. Chaukhande)  
Jt. Civil Judge, Sr.Dn., Islampur

## CERTIFICATE

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

Name of Stenographer	:	S. A. Desai (Gd.II)
Court	:	Jt. Civil Court Sr.Dn.Islampur
Date of Order/Judgment:		19/9/2022
Signed on	:	19/9/2022
Uploaded on	:	20/9/2022