

REGULAR CIVIL SUIT NO. 134/2014

(Sambhaji Bhagat Vs. Shripati Bhagat etc.)

ORDER BELOW EXH.46

This is an application by defendant No.6 to set aside “No W.S.” order and permission to file written statement. Plaintiff has given his say in writing. Heard the arguments of both the parties.

2. Ld. Advocate for defendant argued that defendant could not received documents relating to the suit, therefore, he could not meet him for giving instructions. He further argued that if his written statement is not accepted on record, his very right to defend the suit will remain no more. The advocate for plaintiff argued that the delay for filing written statement has not been properly explained. The statutory period of 90 days has already elapsed and there is long delay. Reasons stated by the defendant for delay are false. Hence application be rejected.

3. Considering the nature of suit and reasons stated by the defendant for delay, in my view for just decision of the case written statement of defendant needs to be heard. No prejudice will be caused to the plaintiff if written statement is taken on record. The interest of plaintiff would be safe guarded by awarding cost. Hence I pass the following order:

ORDER

“No W.S.” order is hereby set aside and defendants are permitted to file their written statement subject to payment of cost of Rs.100/-.

Miraj.
Date: 02-01-2016

Sd/-2.1.16
(S.S.Patil)
II Jt. Civil Judge, Jr. Dn. Miraj