

Order below Exh.71 in R.C.S.No.149/2023:-

01. Perused application filed by defendant no.1 for setting aside no written statement order along with affidavit of defendant no.1 at Exh.72. The plaintiff filed say overleaf Exh.71 and resisted the application for want of proper reason and inordinate delay. On perusal of roznama, it appears that no written statement order is passed below Exh.1 against defendant no.1 on 20/10/2023.

02. Heard both sides. Rights of both parties are involved in present case. However, failure to file written statement of defendant no.1 within limitation has caused delay to proceeding of present case. Now, defendant no.1 filed pursis stating that, say filed by him to application for temporary injunction may be read as his written statement. Considering the reasons mentioned in the application, it seems that the application deserves to be allowed in order to adjudicate the present case effectively. Hence, it is necessary to allow present application in the interest of justice by imposing costs. Therefore I pass the following order-

- i)** The application at Exh.71 is allowed subject to costs of Rs.200/- payable to the plaintiffs and no written statement order dated 20/10/2023 passed below Exh.1 against defendant no.1 stands set aside on payment of costs.
- ii)** Written statement of defendant no.1 be taken on record after payment of costs.

Place: Kadegaon

Date: 04/04/2026

**(Smt.Madhavi R.Patkar)
Civil Judge (J.D.) Kadegaon**