

CNR No.MHSN150004102024



ORDER BELOW EXH.28
IN SPECIAL CIVIL SUIT NO.33/2024
(Yashwant Khobare Vs. Sambhaji Mali & Ors.)

This application is preferred by the defendant No.11, 14 and 16 for setting aside no written statement order and no say order. It is the contention of the defendants in the application that due to agricultural work and business activities, the defendant No.14 and 16 could not obtain the necessary documents to file written statement, whereas the defendant No.11 being lady, they could not file written statement within stipulated time. Due to which No written statement and No say order is passed in the present matter. The defendants prayed that if the opportunity is not given to them to file written statement then, they will suffer irreparable loss. Therefore, they prayed to allow the application.

3. The plaintiff filed say below the application and opposed the application by stating that the no written statement order came to be passed below Exh.28, therefore, this application of the defendant be rejected. In the event Court arrives at the conclusion to allow the application then it may be allowed the subject to cost of Rs.3,000/-.

4. Read the application. Perused the record of the case. It reveals that the defendant No.11, 14 and 16 were served on 04.05.2024 and no W.S. order came to be passed on 20.07.2024. Thereafter, this application is preferred by the defendants on 15.03.2025. In such circumstances, considering the delay of eight months I am of the opinion that the application deserves to allowed

subject to cost to be paid to the plaintiff in order to compensate the delay. Hence, in the interest of justice, I passed following order;

ORDER

1.	Application is allowed subject to cost of Rs.800/- (Rupees eight hundred only) to be paid to the plaintiff till next date.
2.	On payment of cost, no written statement order passed against the defendant No.11, 14 and 16 be set aside.

Vita.
Date : 09.09.2025.

(A. R. Malvade)
Civil Judge, Senior Division, Vita.

CERTIFICATE

I affirm that, the contents of this P.D.F file are same, word to word, as per the dictation.

Name of Stenographer:	S.V. Gaikwad, (Grade-II)
Court -	Civil Judge, Senior Division, Vita.
Date of pronouncement -	09.09.2025
Order signed by the Presiding Officer on -	09.09.2025
Order uploaded on -	09.09.2025