

ORDER BELOW EXH.29
(Order passed on 04/09/2025)

Instant application has been filed by defendant for setting aside 'No W.S.' order passed below Exh.01 dated 27.06.2024 and permission to file his W.S on record.

02. Perused application, say and record. Instant suit is filed for permanent injunction. It is contended by defendant that due to circumstances amounting to force majeure, specifically the serious illness and subsequent demise of his father, Kiran Krishna Velapure which prevented the defendant from complying with the procedural timelines, defendant failed to file W.S. within stipulated period. However, matter proceeded without W.S. against him. Hence, he urged for setting aside No W.S order.

03. Per contra, the plaintiff filed his say on overleaf of application at Exh.29. She denied the whole contentions in application in toto. The defendant has mentioned the reason for his father's illness in the application, but in such application the matter of which hospital the defendant's father was admitted for treatment and for how long has not been mentioned. Defendant failed to explain proper reason for not filing W.S.on record. However, she urged for rejection of this application.

04. In the light of submissions of both sides, I have gone through the record. Perusal of record it appears that this is the suit for Permanent Injunction. It is admitted position that defendant is appear before the court, but he failed to file his written statement within stipulated time. Defendant is required to file his W.S within 30 days not later than 90 days. As provided in order 8 rule 1 of the code of civil procedure. Said provision is directory and said period can be extended on justifiable reason.

05 Reason stated in the subject application is appears to be justified, if this application is allowed then certainly no prejudice would cause to the plaintiff. Fair opportunities to defend the suit is required to be given to defendant, to decide the real controversy between parties. No doubt, there is huge delay cause on the part of defendant for filing his written statement. Therefore, in view of above discussion, I am inclined allow this application subject to certain costs. In the result, I proceed to pass the following order,

ORDER

1. Application Exh.29 is hereby allowed subject to costs of Rs.500/- (Rupees five hundred only).
2. No W.S Order passed below Exh.1 dated 27.06.2024 is set aside after depositing cost and permission to granted to file his written statement on record.
3. Cost be paid to plaintiff.

Vita.

Date: 04.09.2025.

(Smt. V.D.Shirse)

Jt. Civil Judge Jr. Dn., Vita,
Tal.Khanapur, Dist.Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per the original.

Name of Stenographer :- G.U.Varude,
Name of the Court :- Smt. V.D.Shirse,
Jt.Civil Judge Jr. Dn., & J.M.F.C.,
Vita. Tal:-Khanapur.
Date of decision :- 04.09.2025
Order signed by P.O. on:- 04.09.2025
Order uploaded on :- 04.09.2025