

ORDER BELOW EXH. 22 IN SPL.C.S.NO. 145/2018

(Passed On: 11.06.2019)

1] Perused the application and say. Heard both the sides at considerable length. The defendant no.1 is residing at Mumbai and her son being doctor was busy in his work, therefore written statement could not be filed within time. Hence, said order be set aside.

2] The plaintiff strongly opposed the application on the count that the reason submitted is not cogent. Only in order to prolong the matter the said defendants avoided to file written statement.

3] On perusal of record it transpires that the said defendant no.1 appeared on 14.02.2019 and failed to file written statement in statutory period. No written statement order is not passed vide exh.1. But as written statement is sought to be filed after statutory period, permission of court is required.

4] As per natural justice in order to determine the suit on merits defence should be given opportunity. It would help to dispose of matter on merits. The matter is concerning immovable property. Hence, in order to determine controversy between parties finally opportunity should be given to defendant no.1. It will not cause prejudice to plaintiff. But if application is rejected then it is bound to cause prejudice to defendant no.1. The delay caused can be compensated in terms of the cost. Therefore, following order is passed.

ORDER

1] Application exh. 22 is allowed subject to cost of Rs. 200/- (Rs. Two Hundred Only).

- 2] The defendant no.1 is permitted to file written statement on record.
- 3] The defendant no.1 shall pay the cost to plaintiff.

Date: 11.06.2019

(M.R. Jadhav)
Jt. Civil Judge Senior Division, Pandharpur

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

<i>Name of Stenographer</i>	<i>:</i>	<i>A.K. Vibhute</i>
<i>Court</i>	<i>:</i>	<i>Jt.Civil Judge Senior Division Pandharpur</i>
<i>Date</i>	<i>:</i>	<i>11.06.2019.</i>
<i>Order signed by the Presiding Officer on</i>	<i>:</i>	<i>11.06.2019.</i>
<i>Order uploaded on</i>	<i>:</i>	<i>13.06.2019.</i>