

MHSO070000872025 	<u>ORDER ON EXH. 16 IN R.C.S. No. 91/2025</u> <u>(Passed on 30th July 2025)</u>
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1. This application is filed by defendants to set-aside no written statement order passed against them and to permit them to file written statement. The plaintiff has filed say on the same application. Heard advocates for both sides. Perused the record.
2. It is submitted by the defendants that, defendants attempted to gather all documents. However, due to their financial difficulties and agricultural work, they could not obtain documents within time. Thus, they were unable to instruct their advocate to file written statement. Thus, they prayed to allow the application. The plaintiff has objected the application by stating that, reason mentioned is imaginary. Defendants are protracting the proceeding. Hence, they prayed to reject the application.
3. Present suit is filed for simplicitor injunction. Suit summons were issued and it is served on defendants on 21.02.2025 vide bailiff report at Exh. 08 to 11. They appeared through advocate on 28.02.2025. Thus, maximum permissible time period for filling written statement expired on 20.05.2025. Present application is filed on 30.07.2025. Till 08.06.2025 summer vacations of the Court were going on. Thus, the limitation period generally expires on the first opening day of the Court, when the limitation period expires during the period when Court is closed.

Thus, there is delay of 53 days. The reason mentioned is vague and not satisfactory explaining entire delay. Plaintiff has pleaded that he is owner of suit property. Defendants are his relatives but they are obstructing his possession over suit property. Defendants wants to contest the suit. Dispute pending between family members needs to be adjudicated on merit. Therefore, it will be appropriate to give an opportunity to decide dispute on merit by allowing defendants contest the suit. The plaintiff will get opportunity to get his dispute decided on merit. It will prevent multiplicity of the proceeding in the future. However, delay caused needs to be compensated in terms of costs. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.16) is allowed.
2. No WS order dated 01.07.2025 is hereby set-aside subject to costs of Rs. 200/- (Two hundred only) payable to the plaintiff on or before next date.
3. After payment of costs written statement will be taken on record.

Pandharpur.
Date : 30.07.2025.

(Smt. S.S.Raul)
Jt. Civil Judge, Junior Division,
Pandharpur, Dist.- Solapur.

Certificate

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

Name of Stenographer	:- D.S.Landage (Grade-III)
Court	:- Jt. Civil Court,J.D., Pandharpur.
Date	:- 30.07.2025.
Judgment/Order signed by the Presiding Officer	:- 30.07.2025.
Judgment/Order uploaded on	:- 30.07.2025.