


MHSO070000952024 	<u>ORDER ON EXH. 54 IN R.C.S. No. 77/2024</u> <u>(Passed on 28th July 2025)</u>
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1. This application is filed by defendant No.2 to set-aside 'without written statement' order passed against him. The plaintiff has filed say on the same application. Heard advocates for both sides. Perused the record.
2. It is submitted by the defendant No.2 that, he is Principal of Adhyapak Vidyalay, D.H.Kauthekar Prashala. Due to his work schedule he could not get time to collect all the necessary information and documents. Thus, he could not file written statement within time in the suit. Thus he prayed to condone the delay and to set-aside no written statement order passed against him. The plaintiff objected the application by stating that, no strong reason is provided to condone the delay. Hence, he prayed to reject the application.
3. After perusal of the record it can be seen that, the defendant No.2 is served with the notice on 26.02.2024 vide Exh.14. Thereafter he appeared through advocate on 08.04.2024. Therefore, the maximum permissible time period for filing written statement expired on 25.05.2024. This application is filed on 28.07.2025. Thus there is delay of 14 months. This entire delay is not explained. The reason mentioned is vague.

4. Present suit is filed by the plaintiff for declaration and mandatory injunction. He has challenged act of defendants No. 1 and 2. There are specific allegations against defendant No.2. Therefore, it will be appropriate to give opportunity to defendant No.2 to contest the suit. It will help to decide the suit finally and will reduce multiplicity of the proceedings. However, huge delay of 14 months needs to be compensated. Due to inaction of defendant No.2, suit proceeding is protracted. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.54) is allowed.
2. 'No WS' order in respect of defendant No.2 dated 29.07.2014 is set-aside subject to costs of Rs. 1,400/- (One thousand four hundred only) payable to the plaintiff on or before next date.
3. After the cost is deposited, written statement filed by defendant No.2 will be taken on record.

Pandharpur.
Date : 28.07.2025.

(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	:-	28.07.2025.
Judgment/Order signed by the Presiding Officer	:-	28.07.2025.
Judgment/Order uploaded on	:-	28.07.2025.