

Order below Exh.13

Present application is filed by defendant No.1 and 2 for setting aside no written statement order and for permitting them to file written statement on record. It is the contention of the defendants that on 13.07.2023 the court rejected the application of the defendants and passed order of no written statement below Exh.01. The defendant could not collect the copies of other litigation between the plaintiff and them pending the court and hence delay caused. Hence, plaintiff prayed for condoning the delay and also for allowing the application.

2. The plaintiff filed the say on overleaf of the application and resisted the application on the ground that the application is not true and legal. The defendant caused delay to prolong the matter. Hence, the plaintiff prayed for rejecting the application and prayed for costs if the application is allowed.

3. Heard both sides. Perused the application and say and record of the case. The present application is filed on 28.08.2023. Perusal of record reveals that on 13.07.2023 by passing order below Exh.01 the the suit is proceeded without written statement of the defendants. The defendants is ready to file written statement. The valuable rights of the parties are involved. Considering the reasons mentioned in the application and delayed time in filing written statement, defendants need to allow to file written statement. The defendants have consumed time, hence costs required to be imposed. To avoid

further multiplicity of proceedings and in the interest of justice, the following order is passed.

: ORDER :

1. The application is allowed subject to payment of costs of Rs.500/- to be paid to the plaintiff.
2. The no written statement order passed below Exh.01 dated 13.07.2023 is hereby set aside subject to payment of costs.
3. The delay in filing written statement is condoned and defendants are permitted to file written statement on record after payment of costs.

Date : 28.08.2023.

[M.R. Kamat]
Jt. C.J.J.D., Pandharpur.