



Regular Civil Suit Number 392/2025

CNR Number MHSO070004622025

Arun Mohan Nagtilak & Ors.

..... Plaintiffs

Versus

Balbhim Sadashiv Godase & Ors.

..... Defendants.

ORDER BELOW EXHIBIT 33.

1. The defendant number 1,3,4 have moved the application vide exhibit 33 for setting aside no written statement order. The defendant number 1,3,4 have stated that, the documents and information which were necessary for drafting written statement were not available within stipulated time. Hence, these defendants cannot file the written statement within stipulated period. These defendants must get the opportunity to put forth their defence, otherwise they will suffer irreparable loss.

2. The plaintiffs have filed his say and raised strong objection. It is stated that, reasons are not sufficient. Hence, application vide exhibit 33 is to be rejected.

3. I have perused application vide exhibit 33. I have heard both sides at length. The following points arise for my determination.

Serial number	Points	Findings
1	Do defendant number 1,3,4 entitle for setting aside, 'no written statement order' ?	Yes
2	What is order ?	The application is allowed.

Reasons

4. The present suit is for perpetual injunction. The nature of suit is such that, if the opportunity for filing written statement is denied to defendants, then it will affect the merit of case. It may result into multiplicity of proceeding. 'Audi alteram partem' is principle of natural justice. It means that, no one shall be condemned unheard. Hence, it is just and proper to give opportunity to defendants for filing written statement. The documents which are required for filing written statement were not available within stipulated period. The reason stated by the defendants for setting aside no ws order is sufficient. The defendant number 1,3,4 have not caused the delay deliberately. The circumstances were beyond the control of defendant number 1,3,4. Hence, it will not be proper to saddle the cost on shoulder of defendant number 1,3,4, after considering the circumstances. Therefore, the present application is allowed. In the result, the following order is passed.

ORDER

1. The application vide exhibit 33 is allowed.
2. The order passed against the defendant number 1,3,4 stating that, the suit shall proceed further without written statement of defendant number 1,3,4 hereby set aside.
3. The suit shall proceed further according to provisions of law.

Pandharpur
Date – 20.03.2026.

Smt. K. A. Katkar
3rd Jt. C.J.J.D. Pandharpur

: CERTIFICATE :

I affirm that the contents of this pdf file order are same words as per original Order.

Case No.	:	RCS 392/2025
Name of Stenographer	:	S.P.Doke,
Court Name	:	3 rd Jt. CJJD, Pandharpur
Date of Decision	:	20-03-2026
Order signed by P.O. on	:	20-03-2026
Order uploaded on	:	20-03-2026