

MHSO070007632023 	<u>ORDER ON EXH. 19 IN R.C.S. No. 626/2023</u> <u>(Passed on 05th February 2026)</u>
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1. This application is filed by defendant No.1 to set-aside no written statement order passed against him by condoning delay caused. 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.1 that he is aged and due to non availability of old and important documents, he could not inform his Advocate and file written statement within time. The plaintiff has filed the present suit for perpetual injunction and recovery of encroached portion against the defendants. Therefore, his rights are involved in the suit property. Therefore, it is necessary to adjudicate the suit on merit. If the application is rejected then defendant will be deprived from his valuable rights. No prejudice and no irreparable lose will cause to the plaintiff. It will help to adjudicate the matter, if the written statement is taken on record. Hence, he prayed to allow the application.

3. The plaintiff objected the application by stating that the reason mentioned by the defendant is false and frivolous. After service of summon the defendant No.1 has appeared but failed to file written statement. He has intentionally protracted the proceeding. Hence, he prayed to reject the application.

4. Defendant No.1 has been served vide Exh. 08 and 09 on 25.01.2024. He appeared through Advocate on 29.01.2024 vide Exh.11. Present application is filed on 22.12.2025. Thus, maximum

permissible period for filing written statement expired on 24.04.2024. Thus, there is delay of 01 year and 08 months. By passing order below Exh.1 dated 26.06.2025 the suit is proceeded without written statement against the defendant No.1. Suit is filed for perpetual injunction and recovery of encroached area. It is pleaded that the defendant No.1 has encroached over 10R land from eastern side in the suit property. It is pleaded that defendant No.1 destroyed bund situated on east side of the suit property and destroyed crops of plaintiff. As the plaintiff sought possession of this 10R land by removing encroachment, rights and interests of defendant No.1 are involved in the subject matter of the dispute. In order to decide suit on merit, it will be appropriate to give opportunity to defendant No.1 to contest the present suit.

5. In order to adjudicate the present suit finally and to avoid complexity in the proceeding, it will be appropriate to allow defendant No.1 to file written statement. However, the delay caused should be compensated in terms of costs. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.19) is allowed.
2. No written statement order dated 26.06.2025 is set-aside and delay caused in filing written statement is hereby condoned subject to costs of Rs. 2,000/- (Two Thousand only) payable to the plaintiff on or before next date.
3. After payment of costs say and written statement will be taken on record.

Pandharpur.
Date : 05.02.2026.

(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	:- 05.02.2026.
Judgment/Order signed by the Presiding Officer	:- 05.02.2026.
Judgment/Order uploaded on	:- 05.02.2026.