

Sant Bapuji Patil Sanstha

..... Plaintiff

Versus

1. Shakuntala Uddhav Pardeshi (Rajput)

..... Defendants

ORDER BELOW EXHIBIT 41

1. The defendant number 1-A has moved the application vide exhibit 41 for setting aside no additional written statement order. The defendant number 1-A has stated that, she was out of station. Therefore, this defendant cannot file written statement within stipulated period. This defendant must get the opportunity to put forth her defence, otherwise she will suffer irreparable loss.

2. The plaintiff has filed say and raised strong objection. Hence, it is to be rejected.

3. I have perused application vide exhibit 41 and say of plaintiff. I have heard both sides at length. The following points arise for my determination.

Serial number	Points	Findings
1	Does defendant number 1-A entitle for setting as side, 'no additional written statement order' ?	Yes
2	What is order ?	The application is allowed.

REASONS

4. The suit is for possession. The nature of suit is such that, if the opportunity for filing additional written statement is denied to this defendant, 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 this defendant for filing additional written statement. The defendant has stated that, she was out of station. Therefore, this defendant cannot file written statment within stipulated period. The reason stated by the defendant for setting aside the order are sufficient. The defendant has not caused the delay deliberately. The circumstances were beyond the control of these defendant. Hence, it will not be proper to saddle the cost on shoulder of defendant, after considering the circumstances. Therefore, the present application is allowed. In the result, the following order is passed.

ORDER

1. The application vide exhibit 41 is allowed.
2. The order passed against the defendant vide Exhibit 01 stating that the suit shall proceed further without additional written statement of defendant is hereby set aside. The suit shall proceed further according to provisions of law.

Pandharpur
Date – 01-04-2026

Smt. K. A. Katkar
3rd Joint C. J. J. D, Pandharpur.

: C E R T I F I C A T E :

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

Case No.	:	RCS 482/2013
Name of Stenographer	:	S.P.Doke,
Court Name	:	Smt. K. A. Katkar, Joint Civil Judge Junior Division Pandharpur, Dist-Solapur
Date of Decision	:	01-04-2026
Order signed by P.O. on	:	01-04-2026
Order uploaded on	:	01-04-2026