

Special Civil Suit No. 9/2022

Nishant Patil v. Ajitsinh Rachkar

ORDER BELOW EX.13

1. Defendant has submitted this application to set aside no written statement order passed against him.
2. In short it is application that, suit is for recovery of amount. Defendant appeared in the suit. As the father of defendant was suffering from illness, from time to time he was required to take his father to hospital for treatments. Therefore, defendant could not approach his advocate and could not get necessary documents for preparing written statement within time. Consequently, no written statement order came to be passed against him. The delay caused in filing written statement is not intentional one. The written statement of defendant is necessary to decide the suit on merits. Therefore, written statement of defendant needs to be accepted, otherwise his rights will be frustrated. Therefore, permission be granted.
3. On this application the plaintiff has submitted his say. It is contended that, huge amount is involved in the suit and the reason mentioned in the application is not true. The defendant has not submitted written statement within time only with an intent to cause delay to the suit. The defendant has intentionally caused delay in filing written statement. Hence, application be rejected.

4. I have heard learned advocates for both the parties.
5. The suit is for recovery of amount and huge amount is involved in the suit. The rights and liabilities of both the parties are involved in the suit. Therefore, to decide the controversy between the parties, written statement is necessary. Hence, in the result, application is allowed and defendant is permitted to file his written statement.

Place - Malshiras.
Date - 04/08/2022.

(U. V. Joshi)
Civil Judge Senior Division,
Malshiras.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment is same word to word as per the original Judgment.

- (a) Name of the Stenographer : **N. N. Konda, Grade-II**
- (b) Court : **Civil Court Senior
Division, Malshiras.**
- (c) Judgment signed by P.O. on : **04.08.2022.**
- (d) Judgment uploaded on : **04.08.2022.**