

R.C.S. No. 750/2024
Dattatray Dalavi & Ors;
Vs.
Chief Officer Nagar Panchayat,
Natepute & Ors;

ORDER BELOW EXH. NO.28

This is an application filed by defendant No.1 for granting permission to him to file written statement on record after setting aside no written statement order passed against him.

2. Read application and say. Heard Ld. Advocate for both parties. Perused the record.

3. It appears that the plaintiff has instituted this suit for declaration and injunction. After service of summons defendant No.1 appeared before Court but did not file his written statement on record within stipulated time. Resultantly, no written statement order passed against him on 17/01/2025. This application has been filed on 07/03/2025. It is submitted that, due to lack of necessary documents, he could not file his written statement on record within limitation. As such 02 year 06 months delay has been occurred for filing the same on record.

4. It is submitted on behalf of the plaintiff that, the application filed by defendant No.1 is false. The reason for delay to file written statement has not been explained by defendant No.1. Hence, prayed for rejection of the application.

5. As a matter of record the defendant No.1 did not file his written statement within stipulated time. Therefore, on 17/01/2025 no written statement order has been passed against him. Now, defendant No.1 is ready to contest the suit by filing his written statement on record. To decide the suit on merit, it is necessary to have an opportunity to both the parties to take part in the proceeding of the suit. In adversarial system every party shall get an opportunity of hearing. Procedure law should not be an obstruction in the justice dispensation system. So far as delay is

concerned the same can be condoned by imposing costs upon defendant No.1.
Considering the above facts and circumstances, I pass following order:

ORDER

1. The application is allowed.
2. No written statement order passed against defendant No.1 on 17/01/2025 is set aside subject to costs of Rs.100/-.
3. Defendant No.1 is permitted to file his written statement on record after paying costs of Rs. 100/-.

Date :- 12/06/2025

(U. B. Pethe)
Jt. Civil Judge Junior Division,
Malshiras.

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment/order :-

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|---------------------------------------|----|---|
| (a) Name of the Stenographer | :- | S. S. Mitragotri |
| (b) Court | :- | Jt. Civil Judge Junior Division and
Judicial Magistrate First Class, Malshiras |
| (c) Judgment/Order signed
by PO on | :- | 12/06/2025 |
| (d) Judgment/Order uploaded
on | :- | 12/06/2025 |