

ORDER BELOW EXH.NO. 18

(Date 20/04/2026)

This is an application filed by defendant No. 1 for granting permission to him to file written statement on record after delay condoned.

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

3. It appears that, the plaintiff has instituted this suit for declaration and permanent injunction. After service of summons defendant appeared before court but did not file his written statement on record within stipulated time. It is submitted that, as he is doing labour work out of the town, therefore he could not file his written statement on record within limitation.

4. As a matter of record the defendant did not file his written statement within stipulated time. Now defendant is ready to contest 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. Considering the above facts and circumstances, I pass following order.

ORDER

1. The application is allowed.
2. Defendant no. 1 is permitted to file his written statement on record after paying costs of Rs. 300/-.

Date :- 20.04.2026

(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 :-

- (a) Name of the Stenographer :- M.P. Gheradi.
- (b) Court :- Jt. Civil Judge Junior Division and
Judicial Magistrate First Class, Malshiras
- (c) Judgment/Order signed
by PO on :- 20.04.2026
- (d) Judgment/Order uploaded
on :- 20.04.2026