



ORDER BELOW EXHIBIT- 63

01. This is an application filed by defendant No.9 for setting aside NO WS order and for permission to file his written statement.

02. Read the application. Perused say of the plaintiff.

03. It is the contention of the defendant that defendant No.9 is added in the plaint as purchaser of the suit property and he has reported his appearance after service of summons. However, due to unavailability of the copy of the plaint and documents filed along with suit, he could not file his written statement within limitation. There is delay of six month and one day to file written statement. His valuable rights are involved in the suit. Hence, prayed for accepting written statement of present defendant by setting aside No WS order.

04. The plaintiff filed his say below the application and contended that the present defendant intentionally committed delay for filing written statement. No specific and correct reason has been mentioned. Hence, prayed for rejection of the application.

05. Perused the record. Heard both side. It appears that the present defendant No.9 has been added after amendment of plaint as per order Exh.45 as he is the purchaser of suit property during the pendency of the suit. After filing amended copy of plaint, summons was issued to defendant and he reported his appearance on 15/01/2025. Since then he failed to file his written

statement, in spite of knowledge. It is the contention of defendant that the copy of amended plaint and documents have not been provided to him by the plaintiff. However, defendant has not taken any grievance about the said fact after reported his appearance. Hence, the reason is not acceptable. The present application is filed by the defendant on 22/07/2025. There is delay for filing application. However, the valuable rights of the defendant are involved in the suit. Therefore, the delay can be condoned by imposing costs upon him and no prejudice will be caused to the plaintiff by the same, in fact, it will helpful to decide the suit on merit. However, it is well settled principal of law that, it is always desirable to decide a suit on merits and liberal view require to be taken. Hence, in the light of above discussion, I proceed to pass following order;

ORDER

- 1) The application is allowed subject to payment cost of Rs.500/- (Rs. Five Hundred only) to be paid by defendant No.9 to the plaintiff.
- 2) Permission is granted to file written statement of defendant No.9 on record.
- 3) After payment of cost by defendant No.9, his written statement be accepted.

(Dictated and pronounced in open Court.)

Barshi.
Date : 07/05/2026.

(Smt. P.V. Raut)
Jt. Civil Judge (J.D.), Barshi.

CERTIFICATE

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	:	Shri.S.R. Barangule, Stenographer Grade-III
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D. & J.M.F.C., Barshi.
(c)	Judgment /Order declared on	:	07/05/2026
(d)	Judgment /Order checked on	:	07/05/2026
(e)	Judgment /Order signed by P.O. on	:	07/05/2026
(f)	Judgment /Order uploaded on	:	07/05/2026