

ORDER BELOW EXHIBIT-19 IN R.C.S.No.898/2016

Defendant has filed the present application to set aside no written statement order and accepting W.S.

2. It is asserted that, the suit is for declaration and injunction. The summons was duly served on defendant in the year 2017. Defendant appeared in the suit. Defendant is teacher in Z.P. School Pangaon. Due to his service he could not get the leaves. Therefore, he was unable to collect the necessary documents regarding suit. Thereafter, on 23/04/2019 he met with accident and due to the said accident defendant injured and also caused brain injury. He was admitted in casualty for 10 to 12 days. The doctors suggested rest for near about one and half year. Thereafter, due to spread of COVID-19 pandemic there were restriction on traveling and lock down situation. Due to which, he was unable to remain present before the court and file his W.S. During the period no W.S. order was passed against defendant. Hence prayed for setting aside no written statement order passed against him.

3. Plaintiff filed the say vide Exh. 21 and stated that, the application and contents in the application are false and not acceptable. The reason mentioned in the application is false. Defendant has a knowledge of suit he has intentionally prolong the matter. Since 2017 the suit is pending for filing W.S. and evidence of defendant. Defendant is teacher due the reason he know the proceeding but only for harassment he has not filed the W.S. The medical reason mentioned by the defendant is false because he has not filed any medical document to that effect on the record. COVID-19 pandemic reason is also false. After the COVID-19 situation the regular functioning started. Hence, prayed for rejection of the application.

4. Perused the application and say. It reveals that, defendant has mentioned the reason that, due to his service, and also due to his accident he was unable to remain present before the court and file his W.S. Defendant has also mentioned the reason of COVID-19 pandemic. Plaintiff filed the say and objected the reason mentioned by defendant. Plaintiff stated that, the reason of accident mentioned by the defendant is false. Defendant has not filed any medical document regarding injury. The suit is more than 6 year old. No W.S. order was passed against the defendant on 28/06/2017. Since then the matter is pending for W.S. But considering the reason of accident submitted on affidavit by defendant it cannot be ignored. But for proceeding the with the trial W.S. has to be taken on record. Therefore, considering the reason mentioned by the defendant and circumstances narrated by the plaintiff, it is necessary for the just decision of the case that, the written statement should be taken on record subject to reasonable cost towards the huge delay. Considering the above facts, I pass the following order :

ORDER

1. Application is allowed.
2. No written statement order passed is hereby set aside, defendant is permitted to file the written statement on record subject to cost of Rs.500/- be given to the plaintiff.

Date : 25/04/2022.

(J. A. Zari)
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	:	B.B.Salvade
(b)	Court	:	J.A.Zari, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	25/04/2022
(d)	Judgment /Order uploaded on	:	25/04/2022