

**ORDER BELOW EXH.31 IN R.C.S.NO.06/2019**  
**(Shivaji Pandurang Machale v. Surekha Machale And Ors.)**

Defendants have filed instant application for setting aside 'No Written Statement' order passed against them.

02. Learned advocate for the plaintiff has strongly resisted present application by filing say thereon.

03. Heard learned advocates for both parties, at length.

04. Learned advocate for defendants submitted at bar that, due to pandemic Covid-19 defendants could not get necessary documents within time. Hence, defendants could not file their written statement within stipulated period of limitation. Hence, he prayed that, written statement of defendants may be taken on record by setting aside 'No Written Statement' order passed against them.

05. On the contrary, learned advocate for the plaintiff submitted at bar that, inspite of ample opportunities being given, defendants failed to file their written statement. However, he further submitted that, the application may be allowed subject to heavy costs.

06. On perusal of record and proceeding it appears that, the plaintiff has filed present suit for declaration and permanent injunction. Considering nature of the suit and interest of parties involved in the suit properties, it is just and proper to give opportunity to defendants to contest the suit on merit by filing their written statement. Defendants have filed this application after considerable lapse of time. However, delay caused by defendants can be compensated by imposing cost upon them. Considering the delay caused, it is just and proper to impose cost of Rs.500/- on defendants, which shall be payable to the plaintiff. Resultantly, I pass following order:—

(2)

Order Below Exh.31 In R.C.S.No.06/2019.

**:: ORDER ::**

1. Application (Exh.31) is hereby allowed subject to cost of Rs.500/- payable to the plaintiff.
2. The payment of costs shall be condition precedent for taking on record written statement and say of defendants.
3. Accordingly, the application is disposed of.

Dated:- 25.10.2021.

( Balasaheb S. Gaikwad )  
Civil Judge Junior Division,  
Akkalkot.

(3)

Order Below Exh.31 In R.C.S.No.06/2019.

**CERTIFICATE**

I affirm that the contents of this PDF file Order / Judgment are same word to word, as per the original Order / Judgment.

Name of the Stenographer	: A.S.Magnur.
Court	: Civil Judge Junior Division, Akkalkot.
Judgment/Order signed by P. O. on	: 25.10.2021.
Judgment/Order uploaded on	: 25.10.2021.