

MHSO150014422023



R.C.S. No. 67/2023

Bhimashankar & oth. Vs. Nanasaheb & oth.

ORDER BELOW EXH. 15

1. Defendants have filed the present application praying that no written statement (W.S.) order passed against them be set aside and thereby he be permitted to accept their W.S. by condoning the delay.
2. It is contended by afore defendants that, defendants are elder person due to ill health, hence, they are unable submit the documents and unable to file W.S. within the prescribed period, hence, no W.S. order came to be passed against them. Lastly, they prayed to allow the application.
3. The plaintiff has filed his say and contended that, the said application is not maintainable. Defendants are intentionally avoid to file their W.S. and reasons mentioned in the application are not proper and legal one. Therefore, application be rejected with heavy costs.
4. I have heard the Ld. Advocates for the respective parties. Perused the record it appears that suit is filed for perpetual injunction. The summons served on defendants on 31/08/2023 and there is a delay of near about 10 months and 20 days for filing the present application and W.S. If the application is rejected then defendants definitely will suffer irreparable loss as they will be deprived from putting their say, however, if application is allowed, the plaintiff will not suffer any loss except delay. Per contra, plaintiff will get an opportunity to contest the suit. Admittedly, there is a delay for which defendants are liable to pay

costs. Therefore, considering the reason mentioned in the application, it will be proper to allow the application subject to cost of Rs.500/-. Hence, I pass the following order;

ORDER

1. Application is allowed subject to cost.
2. No W.S. order passed against defendants is hereby set aside and delay in filing the W.S. is condoned after payment of cost of Rs.500/-.
3. After payment of costs of Rs.500/-, W.S. of defendants will be read and recorded.

Place - Akkalkot
Date - 10/07/2024

(Smt. N. A. L. Shaikh)
Jt. Civil Judge Junior Division,
Akkalkot.

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** :- V. S. Kamble,
Steno Grade-III
- b) Court** :- Jt. Civil Judge Junior Division and
Judicial Magistrate First Class,
Akkalkot.
- c) Judgment/Order signed by PO on** :- 10/07/2024
- d) Judgment/Order uploaded on** :- 10/07/2024