



**RCS No. 123/2024**  
**Sadashiv More & Ors.**  
**Vs.**  
**Arun Gulave**  
**CNR NO. MHSO150016222024**

**ORDER BELOW EXH.32**

1. The defendant has filed the present application praying that No Written Statement (W.S.) order passed against him be set aside and thereby he may be permitted to file his W.S.

2. It is contended by defendant that, the present suit is filed by the plaintiffs for perpetual injunction. The defendant appeared before the Court on 03/10/2024. Thereafter, on 18/11/2024, the defendant filed an application seeking time to file written statement and say. However, due to non-submission of the say, an order to proceed without written statement was passed on 17/01/2025. The defendant was unable to obtain important documents for filing his say within time. As a result, he could not file his written statement within the stipulated period. Consequently, an order of No W.S. came to be passed against him. Lastly, has prayed for allowing the present application

3. The plaintiffs have not filed their say. Therefore, the application is proceeded without their say on its merit.

4. I have heard the learned Advocate for the defendants and perused the record. It appears that the defendant has entered appearance in the suit but failed to file his written statement within the stipulated period. Consequently, an order of “No Written Statement” was passed

against the defendant on 17/01/2025. There is a delay in filing the present application and the written statement. It further appears that the defendant had appeared before the Court. The ground mentioned in the application, namely non-receipt of certain documents, is not entirely satisfactory. However, if the application is rejected, the defendant will undoubtedly suffer irreparable loss, as he will be deprived of the opportunity to present his defence. On the other hand, if the application is allowed, the plaintiffs will not suffer any prejudice except some delay in the proceedings. Therefore, considering the reasons mentioned in the application, it would be just and proper to allow the application with costs. Hence, I pass the following order:

**ORDER**

1. Application at Exh.32 is allowed.
2. No W.S. order passed against the defendant is hereby set aside and delay in filing the W.S. is condoned.
3. No order as to costs.

Place - Akkalkot  
Date - 05/07/2025

**( 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** :- 05/07/2025
- d) **Judgment/Order uploaded on** :- 05/07/2025