

**Order Below Exh.20 In R.C.S. No. 134/2022.**  
**(Siddhabai Pandurang Dudhbhate v. Pandurang Rama Dudhbhate and ors.)**

Defendant No.1 has filed present application for setting aside 'no written statement' order.

02. Defendant No.1 contended that, there was chances of compromise between the plaintiff and defendants. Hence, he could not file his written statement within stipulated period. Hence, due to above justifiable ground and unavoidable circumstances, he could not file his written statement within prescribed period. They further contended that, their written statement is necessary for the just decision of the suit. Hence, their written statement may be taken on record. Therefore, they prayed that, the application may be allowed.

03. The plaintiff has strongly resisted present application by filing her say on overleaf of the present application. She contended that, reason mentioned in the application is not true and correct. Hence, she prayed that, the application may be rejected.

04. Heard learned advocates for both parties at length. They have argued in consonance of their pleadings.

05. On perusal of record and proceeding it appears that, this is a suit for partition and separate possession of the suit property. It shows that, in spite of ample opportunities being given, defendant No.1 failed to file his written statement within stipulated period of time. However, considering reasons mentioned in the application for non-filing of written statement within stipulated time and submissions of both learned advocates as well as considering nature of the suit and interest of parties involved in the suit property, it would be just and proper to give opportunity to defendant No.1 to contest the suit on merit by filing on record his written statement.

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Defendant No.1 has filed this application after considerable lapse of time. However, the delay caused by defendant No.1 can be compensated by imposing cost upon him. Considering the delay caused by defendant No.1, it would be just and proper to impose total cost of Rs.300/- on defendant No.1, which shall be payable to the plaintiff. Resultantly, I pass following order :-

**:: ORDER ::**

1. Application (Exh.20) is hereby allowed subject to costs of Rs. 300/- (Rupees Three Hundred Only) payable to the plaintiff.
2. Payment of cost shall be condition precedent for taking on record written statement of defendant No.1.
3. Accordingly, application (Exh.20) is disposed of.

(Dictated and pronounced in the Open Court).

Date: 01.04.2023.

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

**C E R T I F I C A T E**

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	: Mrs. A.S.Magnur (Grade-III).
Court	: C.J.J.D and Judicial Magistrate First Class, Akkalkot.
Date	: 01.04.2023.
Judgment / Order signed by P. O. on	: 01.04.2023.
Judgment / Order uploaded on	: 01.04.2023.