

**ORDER BELOW EXH.14 OF RCS No.243/2016**

1. Present application has been filed by defendants for taking their written statement on record by setting aside *No.W.S. order*. Perused the application. Through this application defendants submitted that defendants they are out of station for employment purpose. Hence, they failed to contact their advocate and failed to file their written statement within the stipulated time. Hence, they prayed for setting aside of no written statement order and grant of permission to take their written statement to file of this Court.
2. Ld.advocate for the plaintiffs contested the application by filing his say at the overleaf of this application. He submitted that no justifiable reason for delay has been given by present defendants. Hence, application be rejected. He alternatively prayed for allowing the application on imposing heavy cost of Rs.1000/-.
3. Heard learned advocates for both sides.
4. The present suit is for partition and separation possession. In such kind of suit the defendants are also treated as plaintiffs as there is possibility of having vested interest in the suit land. Defendants caused delay in filing their written statement within mandatory period given by Civil Procedure Code. No doubt it is the responsibility of defendants to file her written statement within statutory time.
5. As the suit is for partition, the written statement of these defendant is vital. Hence, for complete and final disposition of the suit on its best merits the written statement of this defendant will be helpful. No purpose will be served by rejecting this application. At the same time delay of 13 days caused by present defendants must be

saddle with cost. Hence, application deserved to be allowed only on imposing cost on present defendants. Hence, considering nature of suit and in the interest of justice, following order is passed.

**ORDER**

1. The application is allowed subject to cost of Rs.150/- payable to the present plaintiffs by defendants conjointly.
2. The written statement of the defendants be taken on record only on complying cost amount.

Date: 21.01.2017

**(Mahesh D. Joshi)**  
Joint Civil Judge Junior Division,  
Karmala

**CERTIFICATE**

I affirm that the contents of this PDF file order is same word to word as per the original order.

- (a) Name of the Stenographer :- Gajanand L. Sutar
- (b) Court :- Jt. Civil Judge Jr. Div. & JMFC Court, Karmala
- (c) Order signed by P.O.on :- 21.01.2017
- (d) Order uploaded on :-21.01.2017