

ORDER BELOW EXH.17

This is an application by defendant No.1 to set aside 'No W.S.' order and allow him to file written statement.

2. It is the contention of defendant No.1 that, he could not gather the relevant documents within time. Therefore, he could not file his written statement within stipulated period. Hence, he prayed to set aside 'No W.S.' order and allow him to file written statement.

3. On the other hand, the plaintiff opposed the application stating that, the reasons are not justifiable. There is no medical record to support the contention of defendant. Hence, he prayed to reject the application with costs of Rs.5,000/-.

4. Perused the application and say. Heard both sides. Perused the record. It is seen that, the plaintiff has instituted present suit for declaration and for permanent injunction. The record shows that, the right to immovable property is involved. Law prefers decision on merit than on technicalities. Hence, in order to decide the lis on merit, opportunity to file written statement should be given to defendant No.1. Hence, it would be just and proper to set aside 'No W.S.' order passed below Exh.1 on dated 14/11/2025 and allow him to file written statement. Hence, the application is allowed subject to costs of Rs.1,000/- payable to plaintiffs. Accordingly, I passed following order -

Order

1.	The application is allowed and 'No W.S.' order passed below Exh.1 on dated 14/11/2025 is hereby set aside subject to costs of Rs.1,000/- payable to plaintiff.
2.	The defendant No.1 is permitted to file written statement after payment of costs.

Date - 15/04/2026

(**V. C. Kshirsagar**)
2nd Jt. C. J. J. D., Madha

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file Order are same word for word as per original Order.

Name of Stenographer	:	N. B. Kamurti
Court Name	:	Smt. V.C. Kshirsagar 2 nd Jt.CJJD & JMFC, Madha
Date of Order/Judgment	:	15/04/2026
Order/judgment signed by presiding officer on	:	15/04/2026
Order/judgment uploaded on	:	15/04/2026