

ORDER BELOW EXH. 49 IN R.C.S. NO. 135/2019.
(Madhukar Kokare and Ors Vs. Bhaskar Kokare and Ors.)

Defendant Nos. 12 to 14 has filed the present application for setting aside no written statement order passed against them and permission to file written statement on record. They have filed their written statement. Called say of plaintiffs.

[2] It is submitted by defendant that, due to the non-availability of documents, defendants are old aged persons and due to illness, they are unable to attend dates of Court, they are unable to file written statement within stipulated period. Hence, delay has been caused to file written statement. Defendants have not purposefully delayed filing written statement. If, the application is not allowed, they will suffer irreparable loss. Further they prayed for allowing the application.

[3] Plaintiffs have filed their say and prayed for rejecting the application contending that, the application of defendants is false and bogus. The mentioned reason in the application is not proper. Therefore, they prayed for rejecting the application with costs.

[4] Perused the record. It is revealed that, on due service of suit notice to present defendants, they appeared before the Court, but failed to file written statement within stipulated period. Afterwards, defendants have filed present application along with written statement. It is clear that, there is inordinate delay in filing written statement. But already they have condoned the delay by filing an application at Exh.No. 47.

[5] If the application is rejected and permission to file written statement is not granted, defendants will suffer heavy loss. They will not get the opportunity to defend themselves. On the other hand, if the application is allowed, no loss will be caused at the side of plaintiffs except delay. One can't vitiate right of any person to defend himself on ground of delay. In the interest of justice, a fair chance, an opportunity should be given to defendants.

[6] Hence, in the backdrop of above discussion, I proceed to pass the following order :

:: ORDER ::

- 1] Application is hereby allowed subject to cost of Rs.1000/-. The cost amount be given to plaintiffs till next date.
- 2] Written Statement will be filed on record, after depositing cost amount.

Date : 03/05/2025

(Smt. S.N. Gangwal-Shah)
Civil Judge J.D., Mangalwedha.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word to word, as per the original Order.

(a) Name of the Stenographer : P.T. Jadhav

(b) Name of the Court : C.J..J.D., Mangalwedha, Dist. Solapur,

(c) Order signed by P.O. on : 03.05.2025.

(d) Order uploaded on : 03.05.2025.