

ORDER BELOW EXH.- 24 IN R.C.S. No. 143/2021

(Dated-11.04.2023)

This is an application filed by defendant no. 1 for setting aside no written statement order and condonation of delay to file the written statement.

2. It is contended that due to the sickness of father of defendant no. 1 and due to the farm work defendant no. 1 could not get required documents within time. Therefore, delay is caused for filing of the written statement. Hence, prayed for condonation of delay and setting aside no written statement order.

3. The plaintiff filed his say at Exh. 27 and contended that the application is false and frivolous. The reason mentioned for the delay is not legal. Defendant no. 1 has caused delay deliberately. Hence, prayed for the rejection of the application.

4. Heard learned advocates representing the parties. They reiterates the contention made in the application and say.

5. Perused roznama and documents on record. The defendant no. 1 is served with the suit summons on 15.07.2022. In spite of appearance on 17.08.2022 defendant no. 1 failed to file his written statement within stipulated time. Therefore no written statement order was passed against him on 23.12.2022. This application is filed on 27.02.2023.

6. This is a Suit for removal of encroachment and permanent injunction. Considering the nature of the suit, it appears that defence of defendant no. 1 will be helpful to adjudicate the case effectively. Valuable rights of the parties are involved in respect of immovable property. Considering the reasons mentioned in the application defendant no. 1 has

shown sufficient cause for the delay. Hence, it would be proper to condone the delay and set aside no written statement order. Hence, I pass the following order:

ORDER

1. The application is allowed, the delay is condoned, and no written statement order passed below Exh. 1 be set aside.
2. The written statement of defendant no. 1 is read and recorded.

Mohol

Date: 11.04.2023

(R.R. Jadhav)
2nd Jt. Civil Judge Junior Division,
Mohol.