

R. C. S. No. 168/2021
Kulkarni V/s. Kulkarni

ORDER BELOW EXH.93
(Decided on 21/11/2024)

Present application has been filed by defendant Nos.26 to 29 thereby requesting to condone the delay for filing written statement by setting aside “no W.S.” order passed against them.

02. Perused application. Heard learned advocates for plaintiff and defendant.

03. Learned advocate for defendants have submitted that, plaintiff has filed instant suit for declaration. After service of suit summons, defendant Nos.26 to 29 appeared in the matter but failed to file their say. Therefore, the court has passed no written statement order against them. Thus, it is necessary to set aside the said order and to permit them to file their written statement on record. No prejudice will be caused to the plaintiff, if application is allowed. Hence, it is prayed that no written statement order passed against aforesaid defendants be set-aside and they may be permitted to file W.S. by condoning delay.

04. Plaintiff filed his say to the present application at Exh.95. It is his contention that, defendants have deliberately delayed the matter to prolong the proceeding. The application is not tenable in the eye of law. The reasons mentioned in the application for delay is not proper and legal. Hence, plaintiff prayed for rejection of application.

05. Perused roznama and documents on record. It appears that defendant Nos.26 to 29 are appeared in the matter but failed to file their say within stipulated time. The reasons mentioned in the application are seems to be justifiable. Defendants have also filed affidavit at Exh.94 to support their contentions.

06. So also in view of nature of reliefs claimed by the plaintiff, it is necessary to permit the defendants to file their written-statement otherwise they will suffer from injustice. It is always desirable to decide the matter on merits by giving opportunity to both parties to the suit. Thus, it is just and proper to allow this application. Hence, the following order.

ORDER

- 1) Application (Exh.93) is allowed and delay is condoned.
- 2) No written-statement order passed against defendant Nos.26 to 29 is hereby set aside subject to costs of Rs.300/- to be paid to the plaintiff.
- 3) Aforesaid defendants are permitted to file written statement.
- 4) The written statement to be taken on record after compliance of above order.

Date :- 21/11/2024.
Place :- Mohol.

(Smt. P. S. Govekar)
2nd Jt. Civil Judge Junior Division,
Mohol.

C E R T I F I C A T E

I affirm that, the contents of this PDF file of Order/Judgment are same word to word as per the original Order/Judgment.

Name of Stenographer	: A.S. Bakale
Court	: Civil Judge Jr. Division, Mohol.
Date	: 21/11/2024
Judgment signed by the Presiding Officer	: 21/11/2024
Judgment Uploaded on	: 25/11/2024