

ORDER BELOW EXH.-13 IN R.C.S. No. 190/2021

(Dated-15.11.2022)

This is an application filed by the defendant for setting aside no written statement order passed below Exh. 1 dated 07.12.2021 and condonation of delay to file written statement.

2. The defendant in his application contended that the defendant is a farmer and jeep driver. So he could not get necessary documents and information for the preparation of the written statement within time. Therefore, he could not file his written statement within stipulated time. Hence, prayed for setting aside no written statement order and condonation of delay.

3. The plaintiff filed his say on the overleaf of the application and contended that the application is false. The defendant has deliberately caused delay to prolong the case. Hence prayed for rejection of the application with costs.

4. I have heard learned advocates representing the parties. Learned advocate for the plaintiffs and the defendant reiterates the contention made in say and the application.

5. Perused roznama and documents on record. It appears that the defendant is served with the suit summons on 17.08.2021. In spite of appearance the defendant failed to file his written statement within stipulated time. Therefore, no written statement order has been passed against the defendant on 07.12.2021

6. This is a Suit for permanent injunction. Considering the nature of the suit, it appears that defence of the defendant will be

helpful to adjudicate the case effectively. Valuable rights of the parties are involved in respect of immovable property. Therefore, to give fair opportunities, it is just and fair to condone the delay and set aside no written statement order. Considering the delay it is equally important to compensate the plaintiffs in terms of Costs. Therefore, considering a delay amount of Rs. 500/- would be sufficient. Hence, I pass the following order:

ORDER

1. The application is allowed and delay is condoned subject to payment of Rs. 500/- by the defendant to the plaintiff on or before next date.
2. The written statement to be taken on record on compliance of above order.

Mohol

Date: 15.11.2022

(R.R. Jadhav)

2nd Jt. Civil Judge Junior Division,
Mohol.