

Order Below Exh. No. 14

The present application has been filed by the defendant no.1 and 2 for setting aside no written statement order passed against him.

2. It is the case of the defendant that the defendant was unable to file written statement within stipulated time as defendants No. 1 and 2 have gone out of town, agricultural work and due to personal reasons. Hence delay of 8 months 6 days is caused for filing written statement. The delay caused is not intentional and great prejudice would be caused to the defendant if no written statement order passed against defendant be set aside. Therefore application deserves to be allowed.

3. On the other hand the Ld. Advocate for the plaintiff has opposed the present application by stating that the reason is not true and correct. The delay caused by the defendants inordinate and the defendant has not given any sufficient reason for the delay caused in filing written statement. In the alternative cost of Rs.3000/- may be imposed on the defendants. Hence, the application is liable to be rejected.

4. I have heard the Ld. Advocates for the parties. I have perused the record.

5. It is pertinent to note that the reason assigned by the defendants for delay in filing written statement is that defendants No. 1 and 2 have gone out of town, Agricultural work and due to personal reasons. It is settled position of law that the court shall adopt liberal approach while considering application for setting aside no written statement and every opportunity needs to be granted to the party to present its case on merit. The reason assigned by the defendant for the delay caused appears to be justified. Therefore, I pass the following order-

Order.

1. Application is allowed, subject cost of Rs.500/- to be paid by the defendant to the Taluka Legal Service Authority.
2. Delay of 8 months 6 days in filing the written statement is condoned.
3. Written statement filed by the defendants be taken on record after payment of costs.

Date – 21/01/2026.

(N.P. Baji)
2nd Joint Civil Judge Junior
Division, Mohol.