

ORDER BELOW EXH.26

IN

Spl.C.S.No. 142 OF 2025

(Chandrasen Shinde Vs. Udhavrao Sarde & ors)

Perused the application and say.

2] Perused the record.

3] The defendant No.1, 2(a), 2(c) & 2(d) through this application prayed to set aside the delay to file written statement and permission to file written statement is claimed. It is his contention that due to out of station they could not communicate with their advocate, they were unable to file the written statement within the prescribed period. There is delay of sixteen days. Accordingly, they prays that the application be allowed.

4] The application is opposed by the plaintiff by filing say to the back page of the application. It is contended that application is false. The defendants intentionally not file written statement. Already last chance was given to defendants. Therefore, application be rejected. .

5] In the light of submissions raised, I have gone through the record. The suit is instituted for partition and declaration. The application is supported by an affidavit. It is necessary to give sufficient opportunity to both side for put their side. In such situation, considering the principle of natural justice "*audi alteram partem*" it is essential to give opportunity to defendant for filing written statement after imposing costs. The said costs can not be curtailed delay caused on the count of defendant but it gives some sort of monetary relief to plaintiff. Hence, following order is passed.

ORDER

1. The application below Exh.26 is allowed subject to costs of Rs.100/-.
2. Costs shall be given to plaintiff.
3. The delay is hereby condoned.
4. The written statement be taken on record.

Place : Karmala
Date : 06.11.2025

(Sanjay M.Ghuge)
Civil Judge, Senior Division,
Karmala, Dist.Solapur

CERTIFICATE

I affirm that, the contents of the this P.D.F file Order/Judgment are same word to word, as per the original order/ judgment

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Karmala
Date : 06.11.2025
Order/Judgment signed
by the Presiding Officer on : 06.11.2025
Order uploaded on : 06.11.2025