

ORDER BELOW EXH.76
IN
Spl.C.S.No. 869 OF 2023

Perused the application and say.

2] Perused the record.

3] The defendant No.2 to 14, 18 and 19 through this application prayed to set aside the order of 'no written statement', and permission to file written statement is claimed to counter claim. It is his contention that due to out of station, they were unable to file the written statement within the prescribed period. Accordingly, they pray that the application be allowed.

4] Application is opposed by the plaintiff by filing say to the back page of the application. It is contended that no proper reason is mentioned and only to prolong the matter application is filed. Hence, application be rejected.

5] In the light of submissions raised, I have gone through the record. The suit is instituted for partition and separate possession and injunction. 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. Hence, following order is passed.

ORDER

1. The application below Exh.76 is allowed.
subject to costs of Rs.200/-
2. The written statement be taken on record.

Place : Karmala
Date : 02.04.2026

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