

CNR - MHSO2300012492023

SCS number 305/2023

Poonam vs Navnath

**ORDER BELOW EXHIBIT 35**

1. Present application is filed by defendant number 1 to condone the delay in filing written statement and to set aside the “no WS” order dated 12.03.2025 passed against him. The plaintiff has opposed the application by filing say.

2. Perused the application. Considered the say filed by the plaintiff. Heard both sides. Perused the record. I have gone through the record. It would show that present suit is filed by the plaintiff for declaration, partition and perpetual injunction. If the nature of the claim in the present suit of the plaintiff is taken into account, this Court is of the considered view that an opportunity needs to be given to the defendant number 1 to state his case in the matter by filing his written statement/say. Further, written statement of the defendant number 1 would be helpful to decide the matter on the merits. Considering the facts of the matter, this Court incline to entertain the present application. No prejudice would be caused to the plaintiff if no WS order passed against the defendant number 1 is set aside. Further, the delay in filing the written statement is not enormous so as to forfeit the right to file the WS. However, as a pinch, defendant number 1 shall pay costs to the plaintiff. Accordingly, application is allowed as prayed subject to payment of costs rupees 500/- to the plaintiff. In the result, following order would be just and proper. Hence, the following order:

**ORDER**

1. No WS order passed against defendant number 1 is set aside subject to costs rupees 500/- (Rupees Five Hundred only) payable to the plaintiff.

2. The say & WS filed by the defendant number 1 be read and recorded after payment of costs.
3. Application is disposed of accordingly.

Place : Madha.

( R M Karade )

Date : 17-06-2025.

Civil Judge Senior Division, Madha.

## **CERTIFICATE**

I affirm that the contents of this PDF file order is same word to word as per the original order.

- (a) Name of Stenographer : Nagesh N. Konda, Grade II
- (b) Court : CJSD, Madha.
- (c) Order signed by P.O. on : 17 June , 2025.
- (d) Order uploaded on : 17 June , 2025.