

CNR MHST-0500-0064-2017

**IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD  
ORDER BELOW EXH.52 IN R.C.S. No.4/2017**

1. Shri. Nanasaheb Khashaba Jadhav deleted since deceased 1A. Shri. Dipak @ Dilip Nanansaheb Jadhav & Ors.	...Plaintiffs.
<b><i>Versus</i></b>	
1. Collector, Satara & Ors.	...Defendants.

Advocate Mr. B. B. Jadhav for the plaintiffs.

AGP Mr. M. V. Kulkarni for the defendant Nos.1 to 4.

Exparte hearing against defendant No.5.

Coram : S. B. Todkar,  
C.J.S.D. Karad.  
Date : 11/02/2026

**ORAL ORDER :**

This is an application for setting aside no W.S. order.

2. Perused the application and say. Heard both the side.

3. As per the contents of present application, the papers of the matter were not obtained within time because of huge work of time limit of criminal trials of POCSO and others and as engrossed in it. Thereafter, the closure of Court on account of outbreak of Corona, the W.S. could not be prepared and filed within time. Therefore, Court has passed no written statement order against the defendants. It is necessary to file written statement on behalf of defendants and opportunity be given to State for the hearing on merit to meet the ends of justice. Hence, the application.

4. It appears from record that plaintiffs have filed suit against the defendants for declaration as owner of 7 R. area as specifically mentioned in the plaint. After service of writ of summons defendants appeared and but failed to file their written statement within time. Therefore, the Ld. Predecessor of this Court passed no written statement order against the defendant Nos.1, 2 & 4 on 19/08/2017. Considering

the nature of allegations made the plaintiff in the plaint, the relief claimed against the defendants, it is necessary to give both the parties to plead and prove their case by filing necessary written statements. The Ld. AGP has made out case for relief claimed in the present application. Under this circumstances, if the present application is allowed there will be no harm caused to the plaintiffs, but if the present application is rejected it will cause irreparable loss to the defendants, which cannot be compensated in terms of money. Moreover, to bring the truth on record it is necessary to given an opportunity to the defendants to appear before Court and to speak the truth on record. Hence, I proceed to pass the following order.

**ORDER**

1. Application Exh.52 is allowed.
2. No cross order passed on 19/08/2017 against the defendant Nos.1, 2 and 4 is hereby set aside and permission is granted to the mentioned defendants to file their written statement on record.

Date : 11/02/2026.

[S. B. Todkar]  
Civil Judge, S.D. Karad.