



**Order Below Exh. 93 in RCS No. 438/1996
(Dattatray Vithoba Kharade Vs. Shivaji Baburao Salunkhe)**

1. The defendant No. 2A has filed this application setting aside no written statement order passed against him. It is contended that, after service of summons, defendant No. 2A appeared in the Court. However, some time was consumed in collecting necessary documents which are old record. Hence, could not file written statement within limitation and no written order is passed against the defendant No. 2A. Written statement of the defendant No. 2A is necessary for adjudication of the suit. Therefore, the defendant No. 2A prayed to set aside no written statement order passed against him.
2. The plaintiff opposed the application by filing his say. It is contended that, date of no written statement order is not mentioned in the application. The matter is old one. Contending all these, the plaintiff prayed to reject the application.
3. Heard both sides.
4. Perused the record. Record shows that rights of immovable property are in question. It is the contention of defendant No. 2A that, some time was consumed in collecting necessary documents which are old record. Hence, could not contact their

advocate. There is no reason to disbelieve said facts which are stated by defendant No. 2A on oath. The defendant No. 2A did not get any benefit by filing written statement belated. Therefore, in order to give opportunity to the defendant No. 2A to put their case and in the interest of justice the application deserves to be allowed. In the result, I pass the following order.

ORDER

1. The application (Exh. 93) is allowed.
2. No written statement order passed against the defendant No. 2A is hereby set aside.
3. Delay in filing written statement of the defendant No. 2A is condoned.
4. Written statement of the defendant No. 2A be taken on record.

Date : 16/12/2025

(Prashant P. Kulkarni)
4th Jt. Civil Judge, Junior Division
Karad.