

Reg. Civil Suit No. 33/2024

Sampat Gole & Ors. - Plaintiffs

Vs.

Satwashila Shirke & Ors. -Defendants

Order Below Exh. 54

(Dated 12-12-2025)

The present application is filed by defendant Nos. 01 and 04 for setting aside order of no written statement and say for injunction application. It is contention of defendant Nos. 01 and 04 that as defendants have not provide information to their Ld. advocates within time, hence, no say and no written statement order has passed against them. There is only one day delay is caused to file their written statement and say on record. To decide the suit on merit, it is necessary to file their say and written statement on record. Therefore, defendant Nos. 1 and 4 prayed that the delay be condoned and their say and written statement be taken on record.

02. The plaintiffs filed their say below same application and resisted the present application. The plaintiff contended that the present application is false. Therefore, necessary order may be passed.

Heard the Ld. Advocate for the both sides at considerable length. Perused record.

03. The plaintiffs filed present suit for partition, declaration and perpetual injunction against the defendants. The record shows that the defendants failed to file their say and written statement within time. There is delay caused to file their written statement and say on record.

04. In present suit, the suit property is immovable property i.e.

agricultural land. In present suit, the valuable rights of the parties are to be recognized and determined in respect of the immovable property. If, defendant Nos. 1 and 4 have given an opportunity to put-forth their defence by way of Say and Written Statement by setting aside 'no Say and Written Statement order' passed against them, the plaintiffs will not suffer any material harm or loss. On the contrary, it will be helpful to decide the matter completely and effectually. The reasons mentioned in the application for causing delay is just and reasonable. Therefore, considering nature of the suit, relief sought by the plaintiff and in the interest of justice, the present application deserves to be allowed. Hence, I pass the following order :-

ORDER

- 1] The “*No Say and written statement order*” is hereby set-aside.
- 2] Defendant Nos.01 and 04 are permitted to file their say and written statement.

Date : 12.12.2025

(Dr. Vikram A. Avhad)
Civil Judge Jr. Dn., Medha.