

Reg. Civil Suit No. 33/2024

Sampat Gole & Ors. - Plaintiffs
Vs.
Satwashila Shirke & Ors. - Defendants

Order Below Exh. 56
(Dated 12-12-2025)

The present application is filed by defendant No. 05 for setting aside order of no written statement. It is contention of defendant No. 05 that he has appeared on 20.06.2024 in the present suit and did not provide documents to his Ld. advocate on the same day. Hence, no written statement order is passed against him. As he is residing at remote areas and communication facilities are limited, he could not meet his Ld. advocate to provide information. Hence, he could not file his written statement within time. To decide the suit on merit, it is necessary to file written statement of defendant on record. Hence, defendant No. 05 prayed that the delay be condoned and his 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 of 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 suit summons and notice is served on defendant

on 26.04.2024. The present application is filed on 20.07.2024. Defendant No. 5 has to file their written statement and say on 25.05.2024. But, the defendant did not file written statement within time. Hence, there is 01 month and 20 days delay caused to file his 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 or determined in respect of the immovable property. If, defendant No.5 has 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 him, 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 reason mentioned in the application for causing delay is just and reasonable. Therefore, considering nature of the suit, relief sought by the plaintiffs and in the interest of justice, the defendant No.05's application deserves to be allowed. Hence, the order :-

ORDER

- 1] The “*No Say and written statement order*” is hereby set-aside.
- 2] Defendant Nos.05 is permitted to file his say and written statement.

Date : 12.12.2025

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