

ORDER BELOW EXH. 111 IN R.C.S. NO. 141/2012

This is an application filed by the advocate for the defendants no. 1 to 3 for setting aside no written statement order deemed to be passed against them.

2. It is contention in the application that owing to non availability of requisite documents the defendants could not give information to their advocate and could not file their written statement within prescribed time. If the order is not set-aside it will cause irreparable loss to them. On the other hand there will be no loss to the plaintiff. Hence, it is prayed to allow the application.

3. The learned advocate for the plaintiff filed his say on the overleaf of the application and objected the application on the ground that no just and proper reasons are mentioned in the application. In order to prolong the proceeding the application is filed. Hence, he prayed to reject the application.

4. Heard both sides. Perused record and proceeding. On perusal of the same it appears that on 20.10.2023 the counter claim is filed and on the same day the present defendants received copy thereof. As per order VIII, Rule 1 of the Code of Civil Procedure the defendant has to file his written statement within 30 days from the date of service of suit summons. Further, as per rule 6 G, Order VIII of the Code of Civil Procedure the rules relating to a written statement by a defendant shall apply to a written statement filed in answer to a counter claim.

5. The defendants have filed the application on 03.03.2025. The grounds mentioned in the application are not just and proper. Because no material in support of the application is filed on record. Be that as it may, to decide the suit on merits it is necessary to allow the defendants to file their written statement on record. Moreover, no one

shall be condemned unheard. Further, there would be no loss to the plaintiff if the defendants are allowed to file their written statement. At the same time delay caused by the defendants cannot be brushed aside. So, I am going to impose cost on them.

6. Considering all above aspects, in the interest of justice the application deserves to be allowed. Hence, I pass following order.

ORDER

1. The application is allowed subject to cost of Rs. 200/- to be paid to the plaintiff by the defendants.
2. No written statement order deemed to be passed against the defendants is hereby set-aside.
3. The defendants to pay cost on or before next date.

Patan
Dt. 11.03.2025

(P. D. Bhirde)
2nd Jt. Civil Judge, J.D., Patan.

Certificate

I affirm that the contents of this PDF file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Court	2 nd Jt.C.J.J.D & J.M.F.C, Patan
Name of Steno	A. R. Pawar
Date of Judgment/Order	11-03-2025
Judgment/Order signed by the P.O on	11-03-2025
Judgment/Order uploaded on	12-03-2025

