

**ORDER BELOW Exh.14 IN R.C.S. NO.188/2017.**

**Passed on -10/06/2019.**

**(Godabai Gaikwad vs. Aasha Gaikwad.)**

This is an application filed for setting aside 'No written statement' and 'No Say' order passed against defendant.

2. Perused application, say filed by plaintiff. Heard learned advocate for both the parties.

3. It is submitted that defendant could not get important documents within time. Therefore, she could not file written statement and say to application for temporary injunction. Meanwhile 'No written statement' and 'No say' order was passed against her. Therefore, it is submitted that the said orders may be set aside and she be permitted to file written statement and say to application for temporary injunction. It is contended by plaintiff that reasons mentioned in the application are not proper. It is submitted that the suit is filed in the year 2017 and since then defendant has not filed her say and written statement. Plaintiff is old age woman and by filing this application, defendant is trying to harass the plaintiff. Therefore, it is prayed that no written statement order may not be set aside.

4. On perusal of record it appears that the matter is pending before the court since 2017. This is suit for declaration of status of plaintiff as well as the declaration of rights in the immovable property. The valuable rights of both the parties are involved in the present suit. If the opportunity of filing the written statement is granted to the defendant then it will help to determine the controversy on merits. However, the defendant has caused delay. Therefore, the costs must be imposed upon her. Therefore, in the interest of justice, I proceed to pass following order-

## **ORDER**

The application is allowed and 'No written statement' and 'No say' order is set aside subject to costs of Rs.500/- (Rupees Five Hundred Only.) payable to the Plaintiff as condition precedent on or before next date.

**Date : 10/06/2019**

**(D.R.Mali.)  
2<sup>nd</sup> Jt.Civil Judge, Jr. Dn., Wai.**

