

RCS NO. 06/2023
Shrirang & Ors. Vs. The District
Collector & Ors.,

ORDER BELOW EXH.23

Read an application and the reply filed by plaintiffs.
Perused the record.

2. Defendant no. 5 filed this instant application and submitted that, the defendant no. 5 appeared through his counsel but he could not file the written statement within the time on the ground that, the required documents were not available in their hands. Now, they want to file their written statement and therefore, they prayed to set aside the written statement order and to grant permission to file the written statement. On the contrary, plaintiffs filed the reply and opposed to this application on the ground that, the defendant no. 5 mentioned false reasons in the instant application and prayed to reject the application.

03. On perusal of record, it appears that, plaintiffs filed this suit against all defendants for the declaration that plaintiffs are the owners of the suit property. The suit summons served to defendant no. 5 on 02.03.2023 vide bailiff report at Exh. 23. Defendant no. 5 appeared through their counsel on 18.03.2023 vide Vakalatnama Exh. 15. He filed this instant application on 19.08.2023. Defendant no. 5 was required to file the written statement within 30 days from

the date of service of summons i.e. up to 02.04.2023. There is near about more than five months delay to file the written statement. The reason mentioned in the application is not justified. On the other hand, it is necessary to grant an opportunity to defendant no. 5 to file written statement and to contest this suit. However, the defendant no. 5 is liable to pay cost to plaintiffs. Accordingly, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. No written statement order against defendant no. 5 dated 04.08.2023 is set aside and he is permitted to file written statement subject to cost of Rs.500/- payable by defendants to plaintiffs till next date, otherwise this application shall automatically stands rejected.
3. Both the parties are directed to take note of it.

Vaduj
Date: 19.08.2023

(D.D. Fulzele)
Civil Judge Sr.Dn., Vaduj.