

SPL.C.S. No. 8/2017
Ramchandra & Ors. Vs. Tanaji & Ors.

ORDER BELOW EXH.141

Read an application and the reply filed by plaintiffs. Perused the record. Heard the learned counsel for plaintiffs Adv. Shri.S.B. Jore and the learned counsel for defendants Adv. Shri. V. D. Virkar and Adv.Shri. V.B. Methawade.

2. Defendant no. 1a to 1k filed this instant application and submitted that, they appeared through their counsel, but they could not file the written statement within the period of limitation. On the ground that, defendant no. 1 died and all the legal heirs of defendant no. 1 could not attend the Court, because of demise of defendant no.1. Now, they want to file written statement and therefore, prayed to set aside no written statement order and to grant permission to file the written statement.

On the contrary, plaintiffs opposed to this application on the ground that, there is delay of one year to file the written statement. The reason mentioned in the application is not justified and therefore, prayed to reject the application.

3. On perusal of the record, it appears that, defendant No. 1a to 1k appeared through their counsel on 18.08.2023, as per the Vakalatnama at Exh.136. No written statement order passed against them vide order below Exh. 1 dated 27.01.2023. There is delay of more than one years to file the written statement. The reason mentioned in the application is not appears to be justified. However,

on the other hand, it is necessary to grant an opportunity to defendant no. 1a to 1k to file the written statement and to contest this suit. Defendant no. 3 is liable to pay cost to the plaintiff. Accordingly, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. 'No written statement' order against defendant no. 1a to 1k dated 27.01.2023, is set aside and defendant no. 1a to 1k are permitted to file the written statement subject to cost of Rs. 500/- payable by them 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: 09.02.2024

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