

RCS No. 129/2023

**State Bank of India Vs.
Ramesh & Ors.**

ORDER BELOW EXH. 11

Read an application and the reply filed by the plaintiff. Perused the record. Heard the learned counsel for the plaintiff Adv. Shri.PH. Jamdade and the learned counsel for defendant No. 1 to 3 Adv. Shri. D.L. Pawar.

2. Defendant No.1 to 3 filed this instant application and submitted that, defendant No.1 to 3 appeared through his counsel, but he could not file the written statement within the period of limitation as the required documents was not available in his hands. Now, defendant No.1 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, the plaintiff opposed to this application on the ground that, the reason mentioned in the application is not admissible and therefore, prayed to reject the application.

3. On perusal of the record, it appears that, the suit summons served to defendant No.1 to 3 on 21.09.2023, vide bailiff report at Exh. 6. They appeared through their counsel on 06.11.2023, as per the Vakalatnama at Exh.7. Defendant no. 1 to 3 were required to file the written statement within 30 days from the date of service of summon i.e. up to 21.10.2023. Defendant no.1 to 3 filed this instant application on 11.01.2024. There is near about more than

two months delay 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. 1 to 3 to file the written statement and to contest this suit. Accordingly, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. 'No written statement' order against defendant no. 1 to 3 has not been passed till today. Hence, no such order.
3. Defendant no. 1 to 3 are permitted to file the written statement till next date, otherwise this application shall automatically stands rejected.
3. Both the parties are directed to take note of it.

Vaduj
Date 23.09.2024

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