

R.C.S. No. 01/2024

Nilesh Vs. Sushila & Ors.

ORDER BELOW EXH.64

Read an application and the reply filed by the plaintiff. Perused the record. Heard the learned counsel for the plaintiff Adv. Shri. R.M. Kulkarni and the learned counsel for defendant no. 5 Adv. K.S. Khamkar.

2. Defendant No. 5 filed this instant application and submitted that, suit summons served to defendant no. 5, he appeared through his counsel. But he could not file his written statement within the period of limitation, on the ground that, the required documents were not available in his hands. Now, defendants 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 filed the reply and opposed to this application on the ground that, the reason mentioned in the application is false and prayed to reject the application.

3. On perusal of the record, it appears that, there is no record to show as to when the suit summons served to defendant no. 5. Defendant no. 5 filed this instant application on 12.07.2024. However, the plaintiff filed the suit in the year 2024. Defendant no. 5 also filed application in the month of July, 2024. The reason mentioned in the applications are not supported by any reliable evidence. However, on the other hand, it is necessary to grant an opportunity to defendants to file the written statement and to contest

this suit. With this observations, I proceed to pass the following order.

ORDER

1. The application is allowed.
2. ' No written statement order' passed against defendant no. 5 dated 05.07.2024 are set aside and he is 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:30.08.2024

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