

**Spl.C.S. No.224/2023**

**Prabhu Vs. Gorakhnath**

**ORDER BELOW EXH.126**

01. Defendant Nos.1A and 1B filed the present Application for setting aside 'No Written Statement' order and for grant of permission to file Written Statement. Plaintiff opposed the same by filing say below same exhibit.

02. According to defendant, they are the legal heirs of deceased defendant No.1 Gorakhnath Krishna Shinde. Due to non availability of necessary documents, defendant Nos.1 and 2 could not file their written statement within stipulated time. There is no deliberate delay on the part of defendants. Hence, prayed for the relief.

03. It is contention of the plaintiff that, the reasons mentioned in the application are not just and proper. Hence, defendants prayed that in the interest of justice necessary order may be passed.

04. Heard the learned advocates for both the parties.

05. Perused the Application and Say. Record discloses that the order of 'no written statement' was passed on 29/10/2024. According to the contention of the plaintiff, the defendant was served with the summons. The present application is filed on today i.e. after 9 months from the 'no WS' order.

06. It appears that, delay has been caused, but perusal of record shows that there had been rival circumstances. The defendants have shown sufficient cause for the delay to file Written Statement. Defendant Nos.1A

and 1B prayed that they are adopting the written statement of defendant No.1. No prejudice will cause to the plaintiff if the application is allowed. For these reasons, defendants deserve the relief. Hence, this order :

**ORDER**

1. Application (Exh.126) is allowed.
2. Permission is granted to file adopt Written Statement of defendant No.1.

Wai  
Date: 08.08.2025

**( A.G.Deshmukh )**  
Civil Judge Senior Division, Wai  
Dist-Satara.

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