



R. C. S. No. 20/2022,
Aparajita Nandkeyuliyar and Ors.
-Vs.-
Kamrulhuda Khan and Ors.

ORDER BELOW EXH. 26

(Passed on this 06th day of September, 2022)

Read the application and the say thereon. Heard Ld. Counsel for the parties at considerable length. Perused the record.

2. Defendants appeared in this suit in turn of service of summons on 15.02.2022. But, they failed to file their written statement within statutory period of 90 days. Therefore, the suit is proceeded without their written statement. By filing this application, defendants desire to file their written statement. They have also filed adoption pursis of reply below Exh. 5 as their written statement alongwith this application. It shows that they are intended to proceed with this suit by filing their written statement. However, they failed to give plausible reason for this application. They did not explain day to day delay of 76 days properly. However, for just decision of the suit on merit, their written statement is necessary in this suit. If the application is allowed, no prejudice will be caused to plaintiffs. In such circumstances, the instant application needs to be allowed. But, at the same time, some costs needs to be imposed on defendants for sufferance of plaintiffs. Hence, I pass the following order :

Order

1. The application is allowed subject to costs of Rs. 700/- (Rs. Seven Hundred only).
2. Order of no written statement against defendants is set aside and they are permitted to proceed with the suit by filing their written statement.

3. Short time is granted to defendants to comply this order.
4. If defendants failed to comply this order on or before next date, this order shall stands vacated.

(Dictated and pronounced in open Court.)

Palghar.

Date :- 06.09.2022.

(Mahendra K. Sorte)
2nd Jt. Civil Judge, Jr. Dn.,
Palghar.

CERTIFICATE

I affirm that the contents of this PDF file order are same word to word, as per the original order.

Name of the Stenographer :- Smt P.K.Tamore

Name of Court :- 2nd Jt. C.J.J. D. & J.M.F.C., Palghar

Date :- 06/09/2022

Order Signed by the presiding

officer on :- 06/09/2022

Order uploaded on :- 07/09/2022