



R. C. S. No. 103/2023
Jyotsana Thakur and Ors.
-Vs.-
Tukaram Hadal and Ors.

COMMON ORDER BELOW EXH. 19 AND 21.

(Passed on this 17th day of January, 2025)

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Read applications and say thereon. Heard learned counsels for the parties at considerable length.

2. Perused the record. The suit is proceeded without written statement and reply below Exh. 5 of defendant No. 3 on 28.02.2024. The suit summons and notice of Exh. 5 are served on defendant No. 3 on 25.10.2023. He appeared in the suit on 02.12.2023. But he failed to file his written statement within statutory period of 90 days. Therefore, the instant suit is proceeded without his written statement and reply below Exh. 5. Defendant No. 3 filed instant applications alongwith his written statement and reply at Exh. 05. It shows his intention to proceed with the suit by filling his written statement and reply at Exh. 05. He has shown reason of his ignorance about filling of written statement and reply at Exh. 05. But ignorance is no excuse. Therefore, the reason given for these applications are not just and proper reason. Defendant No. 3 did not explain the delay caused for filling his written statement and reply at Exh. 05 properly. However, for just decision of the suit on merit, his written statement and reply at Exh. 5 are necessary in this suit. If these applications are allowed, no prejudice will be caused to plaintiffs. They have every right to dispute the contents in written statement and reply at Exh. 05 at appropriate

stage. In such circumstances, the instant applications need to be allowed. But, at the same time, some costs need to be imposed on defendant No. 3 for sufferance of plaintiffs. Hence, I pass the following order :-

ORDER

1. Applications at Exh. 19 and 21 are allowed subject to costs of Rs. 1,500/- (In words One Thousand Five Hundred Only).
2. Defendant No. 3 is permitted to file his written statement and reply below Exh. 05 by setting aside no written statement and order thereon by condoning delay caused for the same.
3. Short time is granted to comply the said order till next date.
4. If defendant No. 3 failed to comply this order on or before next date, these applications shall stand rejected.

(Typed and pronounced in open court.)

Palghar.

Date :- 17.01.2025.

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