



ORDER BELOW EXH.11

This is an application filed by defendant Nos.1 to 4 seeking condonation of delay in filing their Written Statement and for setting aside the “No W.S.” order passed against them.

2. It is submitted that after receipt of summons, defendant were intended to file their Written Statement. However, certain material documents necessary for preparation of Written Statement and Counter Claim were not readily available at that time. Further, defendant Nos.3 and 4 are married sisters residing at distant places from Seloo, due to which coordination and preparation of Written Statement was delayed. For these reasons, the Written Statement could not be filed within the prescribed period. It is further submitted that the Written Statement has now been prepared and is ready for filing.

3. Ld. advocate for the plaintiff contested the application by filing say and contended that reasons mentioned in the application are not trustworthy and also not legal one. Hence, requested for rejection of the application. Alternatively requested for costs.

4. Heard both parties. Perused record of the case. Suit is filed for partition and declaration. In this circumstance in order to decide suit on merit and considering the nature of dispute, it is necessary to set aside the

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CNR No.MHWR040000292025

delay for filing written statement and to set aside No W.S. order. Considering say filed there is delay caused and the appropriate reason is mentioned for the same. Hence, application deserves to be allowed. Hence, considering nature of suit and in the interest of justice, following order is passed.

ORDER

1. The application is allowed subject to costs of Rs.200/-.
2. Delay is hereby condoned and No W.S. order passed against defendant no.1 is hereby set aside.
3. The written statement of the defendant no.1 to 4 be taken on record on payment of costs.
4. Defendant no.1 to 4 to comply order till next date, if failed to comply application automatically vacated.

Date : 17/09/2025

(Shailesh R. Satbhai)
Civil Judge, Junior Division,
Selloo.

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CERTIFICATE

I affirm that the contents of this P.D.F. file is same, word to word as per the original.

(R. M. Khan)
Stenographer (Grade-III)