

**Order below Exhibit No.10**

This is an application filed by defendant no. 01 under Order VIII Rule 1, and Section 151 of the Code of Civil Procedure for setting aside no written statement order and permission to file written statement on record. He also prayed for condone the delay caused to file written statement.

**02]** In the present application, defendant contended that the application is not tenable in the eyes of law, as no specific reason mentioned in the application for not filing written statement within a stipulated time period. Hence, he prayed for rejection of this application with cost.

**03]** Heard both sides.

**04]** On perusal of entire record, it is apparently seen that the defendant no. 01 has filed his written statement along with this application. It appears that he really wants to proceed with the case. Further, record shows that, the suit instituted for the partition, separate possession and permanent injunction. The defendant has also right and interest in the suit property. Without giving proper opportunity being heard both parties, the suit can not be determined.

**05]** No prejudice would be caused to the plaintiff if the application allowed. However, for unnecessary delay for filing of W.S. and to prolong the case, imposing costs upon applicants would be just compensate to the plaintiff. Considering these facts, it would be just and proper to grant fair opportunity to applicant/defendant no. 01 to bring real fact on record by filing his written statement by imposing costs upon him. Moreover, it would be helpful to the court to reach into the root of the case and for proper adjudication of the case, application needs to be allowed. Thus, I pass following order ;

R.C.S. No. 24/2024  
Umesh Bobhate Vs. Nilesh Bobhate  
[CNRNo.MHWR040006402024]

**ORDER**

- 1] The application is allowed subject to costs of Rs. 200/- payable to the plaintiff on or before next date.
- 2] Written statement filled by defendant no. 01 be read and recorded after payment of costs.
- 3] Both parties are directed to expediate the case.

Place – Seloo  
Date – 30.06.2025

( S.R.Satbhai)  
Civil Judge Jr. Dn., Seloo.