



ORDER BELOW EXH.18.

(CNR No. MHWS02000095-2024)
Anand Gadekar Vs. Sunita Bagade & Ors.

Read the application and say. Perused the record.

2] Through this application original plaintiff i.e. defendant in the counter claim has contended that due unavailability of certain documents, he could not file his written statement/reply to the counter claim of the defendants within stipulated period. Therefore, he may be permitted to file the same on record or he will suffered irreparable loss. Thus, he has prayed for grant of application.

3] The defendants on the other hand vide their say Exh.19 resisted the application and submitted that they have filed their counter claim on dated 21/12/2024. The plaintiff was required to file written statement within stipulated period but he failed to do so. It is also submitted that plaintiff has not mentioned any justifiable or sufficient cause for the delay caused. Hence, application may be rejected.

4] I have perused the record. Present suit is filed for specific performance of the contract. The defendants have filed their written to the suit of the plaintiff and their counter claim for possession and permanent injunction. It is seen that plaintiff received the copy of written statement and counter claim on 21/12/2024. But, he failed to file his reply to counter claim despite opportunities. However, it is pertinent to note that order to proceed without written statement is

yet to be passed against plaintiff. As per the settled position of law in order to avoid multiplicity of litigations, it is always desirable to decide the matter on merit by giving opportunity to both the parties. As stated above the counter claim of defendants is for possession and permanent injunction. Therefore, in such circumstances an opportunity needs to be given to the plaintiff to contest the counter claim. Hence, in view of above discussion, it is just and proper to permit the plaintiff to file his written statement/reply to counter claim. However, for the delay caused on his part, cost can be imposed upon him. Hence, in view of above discussion I proceed to pass the following order -

ORDER

- 1) Application Exh.18 is allowed in the interest of justice subject to cost of Rs.500/-
- 2) Plaintiff to comply this order on or before next date positively.

Washim
Date - 22/07/2025.

(Smt. P V. Rane)
Civil Judge (Sr. Div.), Washim.

CERTIFICATE

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

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 22/07/2025
- 4) Order signed by the presiding officer on :- 22/07/2025
- 5) Order uploaded on :- 25/07/2025