

ORDER BELOW EXH.26 IN Spl.C. S. No.19/2024
Vaishali Magar Vs. Abhijit Wankhede

The Defendant has filed this application for setting aside no written statement order and for permission to file his W.S. on record. As per the defendant on the previous date due to wants of some necessary information he could not filed his W.S. on record. Therefore, no W.S. order came to be passed against him. Today the defendant wants to file his W.S. on record therefore it is necessary to set aside the order of no W.S. Hence, prays to allow the application.

2] On the other hand plaintiff has filed say and opposed the application. It is submitted that the defendant was present before the Court on 24/04/2024 and his last application was at Exh.9 of dated 25/06/2024. Thereafter, the Court has passed order of No W.S. on 24/02/2025 and thereby matter is passed for the evidence of plaintiff. But in this application no each day delay has been explained by the defendant. He has only stated about the previous date therefore, this application is not tenable in the eyes of law. This application is without support of affidavit. Therefore, prays to reject the application with costs.

3] Heard both the sides. On perusal of record it appears that the matter was kept for filing of W.S. of the defendant. On perusal of record it can be easily gathered that the matter was adjourned for several dates for filing of W.S. of the defendant. Even the defendant has not taken pains to file adjournment application on record. Lastly on 24/02/2025 no W.S. order came be passed against the defendant. Hence, it is clear that ample opportunities was granted to the defendant for filing W.S. Still considering the nature of proceeding opportunity

needs to be granted to the defendant. However, as there are delay and latches on the part of defendant it is necessary to saddle the costs so that the plaintiff may be compensated at least to some extent. Hence, I pass following order

ORDER

Application is allowed subject to costs of Rs.1,000/- (One Thousand Rupees Only) after depositing the costs W.S. and reply be taken on record.

Washim.
Date:- 12/12/2025.

(S. S. Sahasrabudhe)
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. V. Dere (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 12/12/2025
- 4) Order signed by the presiding officer on :- 12/12/2025
- 5) Order uploaded on :- 16/12/2025