

ORDER PASSED BELOW EXHIBIT-17.

Present application is filed by the defendants to set aside no written statement order contending that, as they are residing at Aurangabad for labour work they were unable to contact with the Advocate to prepare the written statement. Therefore, the written statement could not be filed and the Court has passed the no written statement order. Now, along with this application they are filing the written statement, if application is not allowed they will suffer the loss. Hence, prayed to allow the application.

2] The plaintiffs filed say and opposed the application contending that, inspite of sufficient opportunities given to the defendants they have not filed the written statement. Hence, prayed to reject the application.

3] Heard both the parties. Perused the record. It appears that, the present suit is filed for damages and malicious prosecution. The suit summons is served on the defendants on 24/01/2023 and no written statement order is passed on 14/03/2023 and 05/04/2023 against respective defendants.

4] The grounds mentioned in application is supported by the affidavit of defendant No.1. Therefore, there is no reason to disbelieve the contention of defendants in absence of any counter affidavit. Considering the nature of suit the written statement of the defendants will be helpful to decide the rights of the parties on merits. No loss will cause to the plaintiffs, if the application came to be allowed, as the plaintiffs have not adduced the evidence in the

present matter. On the contrary rejection of application will cause loss to the defendants. For the delay on the part of defendants, the plaintiffs can be awarded with costs. Hence, I pass the following order.

ORDER

01] Application is allowed subject to costs of Rs.600/- to be paid to the plaintiffs on or before next date.

Date : 12/09/2023

(R. P. Kulkarni)
Civil Judge (Sr. Division), 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 :- 12/09/2023
- 4) Order signed by the presiding officer on :- 12/09/2023
- 5) Order uploaded on :- 12/09/2023