

MHWS020007632023



ORDER BELOW EXH.27.

(Pandhari Sadbarai Maske Vs. State Of Maharashtra and Ors.)

The defendant Nos.3 to 5, 7 & 8 have filed the present application with the prayer that, 'no written statement' order passed against them be set-aside & thereby, they be permitted to file their written statement. Perused the application, say filed by the plaintiffs thereon.

Contents of this application, in brief, are as under :

[2] As per the defendants, they could not file their written statement within stipulated time as they were out of station for labour work. So also, he unable to get the information. With this, defendants have prayed that this application may kindly be allowed.

[3] The plaintiff has filed their say on overleaf of this application as strongly opposed the application. According to plaintiff, defendants supposed to file their written statement as per Order 8 Rule 1 of the Civil Procedure Code, 1908 within stipulated time. The reasons are not mentioned in the application. With this, plaintiff has prayed that this application being devoid of merits is liable to be rejected.

[4] I have heard learned Adv. M.A.Bodakhe for defendants and learned Adv. C.R.Deshpande for plaintiff at considerable length,

and have gone through record of the suit.

[5] Admittedly, the present suit is for perpetual and mandatory injunction. Considering the reasons mentioned in the application, in the interest of justice, it will be proper to allow the present application in order to avoid technical difficulties and unnecessary harassment to the parties, to prevent the multiplicity of proceeding and for just decision of case on merit. Furthermore, no prejudice would occasion to the plaintiff, if the application is allowed. As far as question of delay is concerned, it can be compensated by avoiding cost to the plaintiff. In the result, following order is passed:

**ORDER**

- 1) Application Exh.27 is allowed subject to cost of Rs.500/- (Rupees Five Hundred Only) and 'no written statement' order passed against defendant Nos.3 to 5,7 and 8 is set-aside.
- 2) Parties to the suit shall take note of this order.

Date: 03/05/2024

( G.M. Charankar )  
Jt. Civil Judge, Sr. Dn., Washim.

CERTIFICATE

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

- 1) Name of Stenographer :- N.F.Syed (Stenographer, Grade-III)
- 2) Name of Court :- Jt. Civil Judge (S.D.), Washim.
- 3) Date of order :- 03/05/2024
- 4) Order signed by the :- 03/05/2024  
presiding officer on
- 5) Order uploaded on :- 03/05/2024