

MHWS020010042022

ORDER PASSED BELOW EXH.13 IN R.C.S.NO.262/2022
(Ambadas Vs. Digambar)

The defendant has filed the present application with the prayer that, 'no written statement' order passed against him be set-aside & thereby, he be permitted to file his written statement. Perused the application, say filed by the plaintiff thereon.

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

[2] As per the defendant, he could not file his written statement within stipulated time for want of information and documents. With this, defendant has prayed that this application may kindly be allowed.

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

[4] I have heard learned Adv. A. S. Beriya for defendant & learned Adv. V. K. Kamble for the plaintiff at considerable length, and have gone through record of the suit.

[5] The present suit is for declaration and possession. 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. In the result, following order is passed:

ORDER

- 1) Application Exh.13 is allowed and No w.s. order against defendant is set-aside. defendant is permitted to file her written statement.
- 2) Parties to the suit shall take note of this order.

Date: 01/08/2023

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

<u>CERTIFICATE</u>		
I affirm that the contents of this PDF file Order are same word to word, as per original Order.		
1)	Name of Stenographer	:- S.V.Dere. (Stenographer Grade-III)
2)	Name of Court	:- Jt. Civil Judge (S.D.), Washim.
3)	Date of order	:- 01/08/2023
4)	Order signed by the presiding officer on	:- 01/08/2023
5)	Order uploaded on	:- 03/08/2023