

MHWS100008252025



ORDER BELOW EXH. 27

The present application is filed by defendant Nos. 1 seeking setting aside of the "No Written Statement" order and permission to file their written statement.

2. It is submitted that the due to the illness, the defendant remained absent and consequently the order of "No Written Statement" came to be passed on 23.09.2025. Hence it is prayed that, in order to decide the matter effectively on merits and in the interest of justice, the present application be allowed and the defendants be permitted to file their written statement.

3. The plaintiff has opposed the application. It is contended that only in order to prolong the matter the application is filed. Hence, the application deserves to be rejected with heavy costs.

4. Perused the record.

5. Though there is delay on the part of the defendant in filing the written statement, the Court is of the view that an opportunity deserves to be granted to enable the parties to contest the matter on merits. At the same time, the plaintiff cannot be deprived of the inconvenience caused due to the delay. Therefore, the ends of justice would be met by allowing the application subject to payment of costs. Hence, the following order is passed:

ORDER

1. The application at Exh. 27 is allowed.
2. The order of "No Written Statement" passed against defendant Nos. 1 is hereby set aside.
3. Defendant Nos. 1 is permitted to file their written statement, subject to payment of **costs of ₹200/-** to the plaintiff.

Place : Malegaon.
Date : 18.07.2026.

(**A. S. Koshti**)
Jt. Civil Judge Junior Division,
Malegaon.