



ORDER BELOW EXH.24

(Passed on 06/05/2026)

This is an application filed by defendants for setting aside without written statement order passed below Exh.1 dated 01/01/2024 with permission to file the written statement.

2. It is the contentions of defendants that they could not received relevant documents, therefore, they could not filed written statement within a stipulated time. Therefore, defendants filed present application for setting aside without written statement order passed below Exh.1 dated 01/01/2024 with permission to file written statement.

3. Plaintiffs filed say overleaf of the present application, wherein, they submitted that defendants intentionally prolonging the present suit. If the present application allowed then costs of rupees 25,000/- (Twenty Five Thousand Only) each be imposed on defendants.

4. Heard learned advocate Mr. I. M. Sayed for defendants. Also heard learned advocate Mr. V. R. Lahoti for plaintiffs.

5. Perused the record. After perusal of record it appears that plaintiffs filed the present suit for recovery of possession, mesne profit, mandatory injunction and perpetual injunction.

6. It is the contentions of defendants that they could not received relevant documents, therefore, they could not file written statement within a stipulated time. It is pertinent to note here that reason mentioned in the present application is not a proper and genuine. However, the present suit is relating to the immovable property. If the application is allowed no prejudice will cause to plaintiffs. Per contra it will

avoid the multiplicity of the proceeding. For fair trial it is necessary to give an opportunity to defendants to defend the suit. If an opportunity is not given to defendants it will cause hardship to them. However, delay caused by defendants for filing written statement can be compensated by imposing costs on them. So in the interest of justice, I proceed to pass the following order.

ORDER

1. The application is allowed with costs.
2. Without written statement order passed below Exh.1 dated 01/01/2024 is hereby set aside.
3. Defendants are permitted to file their written statement subject to payment of costs of rupees 3,000/- (Three Thousand Only) to plaintiffs.
4. If defendants failed to comply the present order on or before next date then the present order is automatically set aside.

(Pronounced and dictated in open Court)

Date : 06/05/2026.

(Sheaikh Wasim Akram)
Civil Judge Jr. Dn. Malegaon.

CERTIFICATE

I affirm that the contents of this PD.F file Judgment/Order are same word to word, as per the original Judgment/Order.

Name of Stenographer	C. R. Lande (Grade III)
Name of Court	Shri. M. W. A. M. J. Sheaikh, C.J.J.D. & J.M.F.C., (Court No.1), Malegaon, Distt. Washim.
Date of Dictation	06/05/2026
Judgment/Order signed by the PO on	06/05/2026
Judgment /Order uploaded on	06/05/2026