

BEFORE THE DISTRICT JUDGE, YAVATMAL.

MHYA010010542023

C.M.A. No. 138/2023
Rajesh + 1 Vs. Kusum + 1



Order passed below Exh.23

(Passed on 8th April, 2026)

The application is filed by respondent No.1 seeking permission to set aside “without W.S. order” dated 03/01/2024 and to file written statement on record.

2. The contention of respondent No.1 is that the application is filed for cancellation of adoption-deed on the ground that the document was not legally valid. She had received notice of the application. However, since she was unwell, she could not appear before the Court on the posted date or file her written statement. Hence, the matter came to be proceeded “without W.S.” against her. However, it is essential that the matter is decided on merit. For the same, it is needed that her written statement is taken on record. If the same is permitted no prejudice would be caused to the applicants. On the other hand she would suffer irreparable loss. Hence, application.

3. Applicant side had given its say over the application itself. It is submitted that, the application needs to be decided on merits.

4. Heard. Perused. Respondent No.1 has submitted that delay was not deliberate. It is contended that it was caused since she was unwell. Written statement has been tendered on record along with this application. Thus, intention to contest is seen to be genuine. Permitting W. S. will facilitate decision on merit. It will avert multiplicity of litigation which might ensue on rejection. The delay is not seen to be intentional. Reasons satisfy this Court. Hence, I ordain as follows.

Order

- 1) Application Exh.23 is allowed.
- 2) Written statement be accepted on record and be exhibited as Exh.24 accordingly.

Place:Yavatmal.
Date :08/04/2026.

(S.R.Sharma)
District Judge-2
Yavatmal.

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS