

**CNR- MHYA110001182023**



**ORDER BELOW Exh.44 IN R.C.S No. 4/2023**

**(Passed on 22/10/2024)**

By this application defendants No. 3,5,9, and 16 prayed to this Court to set-aside no written statement order pass dated 30.07.2024. They submitted that, due to the application file under Order VII Rule 11 of the C.P.C, they could not file written statement within time. They prayed to set-aside no written statement order pass against them. On the contrary, the plaintiff opposed the application by filing say on the ground that reason is not justifiable. She prayed to rejected the application.

02. Heard both the sides. Perused the application, say and record. Admittedly, no written statement order passed against defendants on 30.07.2024, however the application under Order VII Rule 11 of the C.P.C filed by the same defendants is decide on 11.07.2024. Though, the reason is not justifiable however to resolve the controversy between the parties on merit finally and conclusively, it would just to allow the defendants to file the written statement on record. The delay is required to be compensated by way of costs. Considering the delay Rs.250/- is just and proper costs to achieve the of justice, Thus, I pass by the following order:-

**ORDER**

1. The application is hereby allow subject to costs of Rs. 250/- be paid to the plaintiff on before the next date.
2. After compliance of order no written statement order Dt.30.07.2024 is hereby set-aside and permission is granted todefendants to file the written statemnt on record.
3. Both the parties shall take note of the order.

**(A.S Shaikh)**

Date : 22/10/2024

Judicial Magistrate First Class

Umarkhed