

MHYA150010562024



ORDER BELOW EXH.35 IN R. C. S. NO.41/2024
(Passed on 21.11.2025.)

This is an application filed by defendant No. 1 to 3 for setting aside no written statement order and permission to file written statement on record.

2. Defendant No. 1 to 3 submitted that, defendant No. 1 to 3 want to file written statement jointly in the suit. The necessary documents not collected within a time. Therefore, defendant No. 1 to 3 could not file the written statement within time.

3. The plaintiff filed say and opposed the application and stated that defenant No.1 is yet not present.

4. Heard leaned counsel of both sides at sufficient length.

5. On perusal of record. It appears that, the defendants failed to file written statement on record within stipulated period. On perusal of record it appears that notice were duly served to defendant No. 1 to 3 on 18.11.2024. Today the present application is filed.

6. The learned counsel of defendant No. 1 to 3 stated that, the application of rejection of the plaint was pending. It is also the reason for not file written statement within a time.

7. On perusal of record it appears that, defendant No. 1

to 3 has filed the application of rejection of the plaint at Exh.17 on 07.02.2025 during pending of this application the plaintiff filed the application of amendment of the plaint on 25.04.2025. The amendment application is decided on 05.07.2025. Thereafter, application of rejection of the plaint at Exh. 17 decided on 20.09.2025.

8. Even if the application is considered, defendant No. 1 to 3 had an opportunity to file a written statement before filing the application of rejection of the plaint. It also appears that the said application was filed late after the notice were served.

9. It cannot be denied that the plaintiff's application for amendment has delayed the disposal of the application for rejection of the plaint.

10. At this juncture, it is necessary to allow defendant No. 1 to 3 to file written statement on record, for contest said matter on merit. If, defendant No. 1 to 3 are not allowed to file written statement then they are unable to put forth their defence. If, defendant No. 1 to 3 are allowed to file written statement on record then it will cause no prejudice to the plaintiff, it is helpful in adjudication of matter on merit and to avoid multiplicity in the proceeding. The reasons given by defendant No. 1 to 3 appear to be just and proper. So far as, delay in filing said application is concerned, by awarding costs to the plaintiff, it will suffice the purpose. Hence, in the interest of the justice, I proceed to pass following order.

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R. C. S. No.41/2024.
Dilip V/s. Sanjay and ors.

ORDER

1. Application at Exh.35 is allowed.
2. Defendant No. 1 to 3 permitted to file written statement on record in the interest of justice on or before next date, subject to cost of Rs.100/- (One Hundred Rupees only) be paid to the plaintiff on or before next date.
3. Defendant No. 1 to 3 to comply said order on or before next date.
4. On paying or depositing the costs of amount written statement of defendant No. 1 to 3 be taken on record.

(Order pronounced in the open Court.)

Ner,
Date : 21.11.2025.

(G. C. Fulzalke)
Civil Judge Junior Division,
Ner, Dist. Yavatmal.

