



**Order Below Exh.11**  
(Passed on 13-08-2025)

1] Perused the application and say filed thereon. Heard Ld. Advocate for the defendants and the plaintiff. By this application, the defendants prayed for setting aside No Written Statement Order passed below Exh.1 dated 12/09/2024.

2] It is averred by the defendants that, they appeared before this Court in the present suit. However, the physical condition of defendant No.2 was not good. She is an old-age person. Doctor advised her to take rest. Therefore, they could not file their Written Statement within limitation. Now, they are ready with their Written Statement. If, the application is allowed, no prejudice will be caused to the plaintiff. On the contrary, it will help the court to decide the suit on merit. If, the application is rejected, the defendants will be seriously prejudice. Therefore, they prayed to allow the application.

3] The plaintiff filed reply and strongly opposed the application. He contented that the defendants have not filed medical documents along with the application. They are served on 13/06/2024. However, they failed to file their Written Statement within limitation. The application is devoid of merit. Lastly, he prayed to reject the application.

4] Perused the record. It appears that, the defendants appeared before this Court on 29/06/2024. However, they failed to file their Written Statement on record within limitation. Therefore, on 12/09/2024, this Court passed No Written

Statement order against them below Exh.1.

5] The application is supported by affidavit. Further, the title clause of the suit shows that both the defendants are old age person. So, the possibility of unsound physical conditions of the defendants cannot be ruled out. Therefore, the reasons mentioned in the application seems to be genuine. It is pertinent to note that, the Written Statement is necessary to make out the defence. Moreover, it is necessary to decide the real controversy between the parties. Further, it will help the Court to decide the suit on merit. Now, the defendants are ready with their Written Statement. Moreover, as per the principle of natural justice, the defendants are entitled to get a chance to file their Written Statement. Further, no prejudice will be caused to the plaintiff, if the application is allowed. On the contrary, if the application is rejected, the defendants will be seriously prejudiced. Needless to say that, the filing of Written Statement is a procedural aspect. The Court needs to take liberal approach while allowing the same. Thus, considering the aforesaid findings, the application needs to be allowed. However, considering the delay on the part of the defendants, costs need to be saddled on them. Hence, considering the above findings, I pass following order;

**Order**

- 1] The application is allowed subject to costs of Rs.500/- (Rs. Five Hundred only) to be paid to the plaintiff.
- 2] Subject to payment costs as aforesaid No Written Statement order passed below Exh.01, dtd.12/09/2024 is set aside.

Date :- 13.08.2025

**[Shahaji D. Bhosale]**  
Jt. Civil Judge (Jr.Dn.), Wani.

I, Abhay Bhoyar, Stenographer of Jt, Civil Judge (Jr.Dn.), Wani, affirm that, the contents of this PDF are same words for words, as per the Original Order.