

MHYA240005322025

**ORDER BELOW EXH.- 28**

- 1) This is an application filed by the defendant no.3 for seeking permission to file W.S.
- 2) According to defendant no.3, he failed to file his W.S. within limitation due to operation of his stomach. Now defendant no.3 intends to file his W.S. Hence, defendant no.3 prayed that he may be permitted to file the written statement on record.
- 3) Plaintiff resisted this application by filing his say overleaf of the application. According to plaintiff, defendant no.3 has received suit summons on 09/12/2025 and near about 5 months have lapsed and his W.S. is not within limitation. Hence, pray for rejection.
- 4) Perused entire record.
- 5) This is the suit for declaration and perpetual injunction etc.
- 6) Record shows that summons was duly served on the defendant no.3 as per report vide Exh.12 on 19/11/2025 and thereafter defendant no.3 appeared through Advocate and sought time.
- 7) However, defendant no.3 ought to have filed W.S. within 90 days from date of service i.e. on or before 17/02/2026. However, this application has been filed on 09/04/2026 and thus there is delay of more than one

months and 23 days.

8) However, considering the reasons stated in the application and due to operation of his stomach and in adherence to principle of natural justice, application needs to be allowed. Hence, following order is passed.

ORDER

- 1) Application Exh.- 28 is hereby allowed subject to cost of Rs.500/- to be paid to plaintiff.
- 2) Annexed W.S. of defendant no.3 be read and recorded on compliance of cost.

Date : 23/04/2026.

(P. S. Jondhale)
Civil Judge (Sr. Dn.),
Wani.