

MHSO070005992022



Order below Exh.77 in RCS. No.468/2022

1. The defendant No.2 has filed this application to set aside no written statement order passed below Exh.01. Plaintiff filed say on the same application and objected. Heard both sides. Perused the record.

2. It is submitted by defendant No.2 that he appeared through advocate on 14.10.2024 in the present suit. As written statement could not be filed within time no say order is passed against him. Along with this application written statement is filed. In order to decide suit on merit, it is prayed to allow the application. The plaintiff objected the pleading by stating that application is not maintainable being filed without delay condonation application. Defendant No.2 has not specified which documents were not available within time for filing say. As reasons are not tenable, application is prayed to be dismissed.

3. Defendant No.2 has been added in the present suit by way of amendment carried out on 25.09.2024. thereafter, suit summons was issued as per belief report vide Exh.67 the defendant No.2 is served on 14.10.2024. Thereafter he appeared on the same day before court. Present application is filed on 07.03.2025 i.e. after laps of 4 months and 21 days. Apparently below Exh.1 no order

adverse to the defendant No.2 is passed till today. The application is supported with affidavit. Written statement along with say to Exh.5 has been filed. Both parties are contesting the suit. Hence, to decide suit on merit and to avoid multiplicity of the proceeding, it will be appropriate to give opportunity to the defendant No.2 to represent himself and contest the suit. However, he has caused delay of more than 4 months. It needs to be compensated in terms of costs. Hence following order is passed.

-:: ORDER ::-

1. Application (Exh.77) is allowed.
2. Defendant No.2 is permitted to file written statement and say subject to payment of costs of Rs.500/- payable to the plaintiff on or before next date.

Date : 05.05.2025

S. S. Raul.
Jt. C.J.J.D., Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file Judgment/Order are same word to word, as per the original Judgment / Order.

Court : Jt. C. J. J. D. Pandharpur.

Name of Stenographer : R.M.Gogi.

Date : 05-05-2025

Judgment/Order signed by
the Presiding Officer on : 05-05-2025

Judgment/Order uploaded on : 05-05-2025.