

ORDER BELOW EXH NO.20
IN Spl.C.S.NO.1/2018
(CNR NO.MHBIO80015412017)

By this application, defendants No. 2 and 3 pray to set aside “No written statement” order passed against them.

2] It is contended that those defendants were involved in official work. There was huge rush of work in their office. They could not contact their Advocate. They were also not having correct information about alleged incident. Present matter relates to monetary assistance. Valuable rights of those defendants are involved therein. In order to decide the matter effectively, written statement of those defendants is necessary. In case the order is not set aside, those defendants would suffer injustice and inconvenience. They, therefore, pray to allow this application.

3] Learned Advocate for plaintiffs strongly resisted this application and prayed to reject the same.

4] Following points arise for my determination and my findings thereon are as under :

Points	Finding
01. Is this application worth allowed ?	.. Yes.
02. What order ?	.. As per final order.

REASONS

4] Heard both sides. Perused record.

AS TO POINTS NO. 1 AND 2 :

5] This is a suit for compensation. Though appeared, defendants No. 2 and 3 did not file written statement within statutory period and hence, on 19/06/2018, I passed “No Written Statement” order against them. By this application, they pray to set aside the same. Learned Advocate for plaintiffs points out that the reason for not filing written statement within time, is not at all genuine and sufficient. No doubt, there is some substance in this submission. Defendants No.2 and 3 ought to have been diligent enough to file written statement within stipulated time, particularly when they had appeared in the matter and were aware of their duty to file written statement. It is thus clear that present defendants have unnecessarily prolonged the matter. However, it is to be noted that the suit is for compensation. Monetary interests of parties are involved therein. It would be, therefore, in the interest of justice to give opportunity to those defendants to contest the suit. However, the delay caused by them can not be ignored and they will have to compensate plaintiffs by paying costs. Considering the period of delay, imposing costs of Rs.200/- each on defendants No.2 and 3 would meet the ends of justice. Hence, I answer Point No.1 in the affirmative and in answer to Point No.2, I pass the following order :

- O R D E R -

- I) Application (Exh.20) is allowed.
- II) “No written statement” order dated 19/06/2018 passed against defendants No. 2 and 3 is set aside and they are allowed to file written statement on their each paying costs of Rs.200/- to plaintiffs on or before next date.
- III) On their paying this costs, their written statement will be taken on record.

Majalgaon.
Date :-10/09/2018

Sd/-
(Anil B. Kulkarni)
Jt.Civil Judge (S.D.) Majalgaon.

