

ORDER BELOW EXH. NO.52

1] This application is filed by the defendant no.1 for setting aside an order dated 24-02-2025 passed below Exh.50 to proceed temporary injunction application without written statement of the defendant No.1. The defendant No.1 has filed the application on the ground that, defendant No.1 has suffering from illness on that day, so he could not filed written statement before the court. Consequently, an order dated 24-02-2025 is passed below Exh.50 to proceed temporary injunction application without written statement of the defendant. But, the defendant did not deliberately fail to file its written statement on record and today it is ready to file its written statement on record. Therefore, considering said reason, the order dated 24-02-2025 passed below Exh.50 may kindly be set aside.

2. The plaintiff has filed his say on the leaf of this application. He has strongly opposed this application and prayed to reject the application.

3. The suit is for partition and permanent injunction. Therefore, liberal view has to be taken while considering this application. The reason assigned appears to be satisfactory, the reason mentioned in this application is quite satisfactory reason to set aside the order dated 24-02-2025 passed below Exh.50

and it will just and proper to allow the defendant to file its written statement. Hence, I proceed to pass the following order.

ORDER

1. The application Exh.52 is allowed.
2. The order dated 24-02-2025 passed below Exh.50 is hereby set aside.
3. The defendant No.1 is hereby allowed to file his written statement on record forthwith or on next date positively.
4. Costs in main cause.

Date: 03/03/2025

(**Prashant P. Kulkarni**)
Jt. Civil Judge (Sr.Dn.),
Chandrapur