

Order Below Exh. 26 in R.C.S. No.98/2022
(CNR no. MHRT080008262022)

By the application, defendant no. 2 Sitaram Jayram Gurav has prayed for setting aside order dated 03/04/2023, whereby it was directed that, the matter shall proceed without his written statement. He has prayed for leave to file the written statement by extension of period of limitation in that regard. It is contended that, he could not get the relevant and material documents within time. Thus, he could not file the written statement within the time allowed for that purpose. Thus, he prayed for allowing him to file the written statement.

2. Plaintiff has opposed the application on the ground that, the reason stated is false. It is submitted that, if the application is allowed, heavy costs be imposed.

3. Perused the record. Heard both sides.

4. The suit is concerning the immovable property. It is for mandatory injunction and recovery of possession. Thus, to afford an opportunity to contest the suit on merit, one opportunity can be granted to defendant No. 02. However, he has served with the suit summons on 30/12/2022. He has appeared before the Court on 23/01/2023. Aforesaid order was passed on 03/04/2023. Considering all these aspects and delay caused, costs need to be imposed to compensate the plaintiff for delay. Hence, I pass following order -

ORDER

1. The application is allowed subject to costs of Rs.

1000/- (One Thousand Rupees only) to be paid to the plaintiff.

2. The amount of cost shall be so paid on or before next date.

Date : 14.09.2023

(B. D. Tare)
Civil Judge, J.D., Deorukh

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh. 26 in R.C.S No. 98/2022)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer	:- S. A. Bhale
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date of decision	:- 14/09/2023
Order signed by PO. on	:- 14/09/2023
Order uploaded on	:- 14/09/2023