

Order Below Exh - 39 in RCS No.470/2017.

Defendant No. 1 to 4 have filed application for setting aside “No Say” order passed below Exh.8 on the grounds that, inadvertently they failed to file say on the said application.

2] Perused the say of plaintiff. He objected the application on the grounds that, application of defendants is false. The application for appointment of commissioner (Exh.8) is filed with the suit. Defendants have filed this application only to cause delay. Therefore, he prayed to reject the application. He further prayed that, if the court comes to the conclusion to allow the application then heavy cost may be imposed.

3] Heard learned counsels for both the parties. Perused the record. It is necessary to grant opportunity to defendant no. 1 to 4 to file their say to the application Exh.8 for just decision of application (Exh.8) and suit. Hence, I proceed to pass further order below Exh. 8.

Date: 03.10.2018
Place: Sangamner.

(P.I. Mokashi)
2nd Jt. Civil Judge S.D.,
Sangamner.

CNR No. MHAH08-000695-2017

Order Below Exh - 8 in RCS No.470/2017.

In view of order passed below Exh.39 it is necessary to set aside "No Say" order passed against defendant No. 1 to 4. Hence, I pass following order :-

ORDER

1. "No Say" order passed against defendant No. 1 to 4 is set aside subject to cost of Rs.500/-
2. Cost amount be handed over to the plaintiff.

Date: 03.10.2018
Place: Sangamner.

(P.I. Mokashi)
2nd Jt. Civil Judge S.D.,
Sangamner.