

ORDER BELOW EXHIBIT 15 IN RCS 230/2017

This is an application by defendant Nos.1 and 23 for setting aside 'No written statement' order passed against them.

2. It is their averment that due to non collection of information for preparing written statement, delay is caused on their part. Therefore, prayed to allow the application.

3. The plaintiffs have filed say on the backleaf of the application and contended that the application is false. Only for the purpose of delaying the proceeding of the suit, defendant Nos.1 and 2 have intentionally not filed the written statement within the stipulated time as per law. Hence, submitted to allow the application by saddling cost upon defendant Nos.1 and 2.

4. As per report (Exh.7), defendant Nos.1 and 2 are served of the suit summons on 10/07/2017. Thereafter they appeared on 26/07/2017. The delay for filing written statement is for more than four months. However, in order to decide matter on merit by giving an opportunity of hearing both parties, it is necessary to take into consideration the written statement by setting aside the order of 'No written statement'. Hence, I pass the following order.

ORDER

1) The application is allowed subject to the cost of Rs.200/- (Rupees Two hundred only).

2) Written statements of defendant Nos.1 and 2 will be read and recorded on payment of costs to plaintiffs on or before next date.

Date: 13/11/2018

(B.M.Kothavale)
Jt. Civil Judge J.D.,Rahuri.