

ORDER BELOW EXH. 19 IN RCS. NO. 550/2022
(MHAH1900 2056 2022)

01. Defendant no.1 moved this application and prayed to set aside NO WS order passed against him. Defendant no.1 has submitted that after service of notice of the suit to him he did not obtain necessary document in time. Moreover, due to holidays of summer vacation he could not file WS within stipulated period. He has not purposefully prolonged the matter. It is necessary that written statement of defendant no.1 to come on record. Hence, he prayed that application be allowed.

02. Plaintiff filed say overleaf the same application and stated that all the necessary documents were supplied to the defendant at the time of filing of the suit. Application is filed only to prolong the matter. Hence, application be rejected. If at all application is allowed Rs.1000/- cost be imposed.

03. Heard. Perused record.

04. The suit is filed for partition and injunction. On perusal of record it seems that NO WS order is not yet passed against the defendant. Defendant appeared before the court by filing Vakalatnama on 28/3/2023. Defendant has submitted that he could not obtain the necessary documents and due to holidays of summer vacation, he could not file WS within stipulated period. The suit is related to immovable property hence, say of every party should come on record for fair trial and proper decision of the suit. Looking to the nature of suit and relief against defendant, the written statement of defendant no.1 is necessary to come on record to avoid multiplicity of proceeding. Defendant has made delay to appear before the court and to file WS, therefore, it is necessary to impose cost. Hence, I pass the following order.

ORDER

Application is allowed subject to cost of Rs. 100/- to be paid by defendant no.1 to the plaintiff.

Place : Shevgaon
Date : 11/07/2023

(S. U. Jaguste)
Civil Judge Junior Division,
Shevgaon.