

ORDER BELOW EXHIBIT.35

1. The defendant No.1 has filed the present application to set aside the no written statement order passed against him.
2. Perused the application and say. Heard Ld. Advocates for both parties.
3. The defendant states that, due to unavailability of necessary documents, also the defendant is old aged as such he failed to file written statement within time. Therefore prayed to allow the application to decide the application on merit as the suit is relating to immovable property. The right of defendant are involved in the suit.
4. As against this, the plaintiff by filing his say on the application itself contested the application.
5. Having considered submissions made on behalf of both the parties and perusal of record. Although the reason mentioned in the application is not convincing and satisfactory. However in order to decide the application on merit it is necessary to hear the other party and to take on record on their say. Hence in the interest of justice I proceed to pass the following order ;

ORDER

1. Application is allowed, subject to costs of Rs.100/-
2. The no written statement order passed against the defendant is hereby set aside subject to the payment of cost to plaintiff on or before next date. On payment of cost the say will be placed on record. In case defendant failed to pay the cost the application stands rejected.

Date :- 27.09.2021.

Sd/xxx.
(A. S. Birajdar)
Jt. Civil Judge Jr. Division,
Pathardi.