

(CNR No. MHAH-20-001011-2018)
ORDER BELOW EXH.43 IN REG.C.S NO. 266 of 2028.
Asaram Andure Vs. Laxman Garje + 6.

1. This an application filed by defendant No.4 & 5 for permission to file Written Statement/Say on record by setting aside No W.S. Order.

2. It is contention of defendant No.4 & 5 that, plaintiff has filed present suit for declaration and perpetual injunction against the defendants in respect of suit properties. They received suit summons however, due to non receipt of important information and thereafter due to lock-down out of Covid-19, they could not file Written Statement, within time, and therefore, No W.S. Order is passed. There is no deliberate delay. Hence, lastly they prayed to allow this application.

3. The plaintiff has strongly objected the application by filing his say and submitted that, there is deliberate delay to file written statement to prolong the matter. No sufficient reasons mentioned in the application. Sufficient and reasonable opportunity was given to defendant No.4 & 5 to file their W.S./Say on record but, they failed. Lastly plaintiff prayed to reject the application with costs. Heard both the sides.

4. It is not disputed that, there is delay to file written statement on record for defendant No.4 & 5. Defendant No.4 & 5 appeared in the suit and failed to file their written statement/say within time. Hence, order of No W.S. is passed. Moreover, the resent

suit is for declaration and perpetual injunction, in respect of immovable properties. Considering the reasons mentioned in the application and to decide the matter on merit and interest of justice, I pass the following order.

ORDER.

1. Application at Exh.43, is hereby allowed subject to cost of Rs.100/-.
2. Defendant No.4 & 5 is permitted to file their Written Statement/Say on record after payment of costs.

Date : 17/02/2022.

Sd/- x x x
(A.S. Birajdar)
Civil Judge (J.D.),
Pathardi.