

MHAH220007992023



R.C.S.No. 141/2023

Vaibhav & Ors. Vs. Sunita & Ors.

ORDER BELOW EXH.16

(Passed on 03/05/2024)

This is an application filed by the defendant no.1 and 2 for permission to file their written statement.

2. It is the contentions of the defendant no.1 and 2 that they could not received relevant documents, therefore, they could not file their written statement within a stipulated time. Therefore, the defendant no.1 and 2 filed the present application for permission to file written statement.

3. Plaintiffs filed say overleaf of present application, wherein, they submitted that reasons mentioned in the present application are not proper. Therefore, plaintiffs prayed to reject the present application.

4. Heard learned advocate Mr. V. A. Ghalme for the defendant no.1 and 2. Also heard learned advocate Mr. D. J. Chavhan for plaintiffs.

5. Perused the record. After perusal of record it appears that plaintiffs filed the present suit for partition, separate possession, declaration of sale deed not binding upon them and cancellation of sale deed.

6. Perused the record. It is the contentions of the defendant no.1 and 2 that they could not received relevant

documents, therefore, they could not file their written statement within a stipulated time. It is pertinent to note here that reasons mentioned in the present application are not proper and genuine. However, the present suit is relating to the immovable property. If the application is allowed no prejudice will cause to plaintiffs. Per contra it will avoid the multiplicity of the proceeding. For fair trial it is necessary to give an opportunity to the defendant no.1 and 2 to defend the suit. If an opportunity is not given to the defendant no.1 and 2 it will cause hardship to them. However, delay caused by the defendant no.1 and 2 for filing written statement can be compensated by imposing costs on them. So in the interest of justice, I proceed to pass the following order.

ORDER

1. The application is allowed with costs.
2. Defendant no.1 and 2 are permitted to file their written statement subject to payment of costs of rupees 500/- (Five Hundred Only) to plaintiffs.
3. If defendant no.1 and 2 is failed to comply the present order on or before next date then the present order is automatically set aside.

(Pronounced and dictated in open Court)

Date : 03/05/2024.

(Sheaikh Wasim Akram)

Jt. Civil Judge Jr. Dn. Karjat.

CERTIFICATE

I affirm that the contents of this P.D.F File are same word to word,
as per the original.

Court Name : **Shri. M. W. A. M. J. Sheaikh**
Jt. Civil Judge, Junior Division,
Karjat, Tal.Karjat, Dist.Ahmednagar.

Name of the Stenographer : **Amol S. Nannaware**
Stenographer (Grade-III)

Date : 03/05/2024