

MHAH220013452023



R.C.S.No. 209/2023

Suresh & ors. Vs. Machindra & Ors.

ORDER BELOW EXH.20

(Passed on 05/08/2024)

This is an application filed by defendant no.1 to 6 for permission to file their written statement and say of temporary injunction application below Exh.5.

2. It is the contentions of defendant no.1 to 6 that they could not received relevant documents, therefore, they could not file their written statement and say of temporary injunction application within a stipulated time. Therefore, defendant no.1 to 6 filed the present application for permission to file written statement and say of temporary injunction application.

3. Plaintiffs filed say overleaf of present application, wherein, they submitted that the present application is not within limitation. The present application is false. Therefore, plaintiffs prayed to reject the present application.

4. Heard learned advocate Mr. A. R. Khetmalas for defendant no.1 to 6. Also heard learned advocate Mr. K. S. Shewale for plaintiffs.

5. Perused the record. After perusal of record it appears that plaintiffs filed the present suit for perpetual injunction.

6. Perused the record. It is the contentions of defendant no.1 to 6 that they could not received relevant documents, therefore,

they could not file their written statement and say of temporary injunction application 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 defendant no.1 to 6 to defend the suit. If an opportunity is not given to defendant no.1 to 6 it will cause hardship to them. However, delay caused by defendant no.1 to 6 for filing written statement and say of temporary injunction application 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 to 6 are permitted to file their written statement and say of temporary injunction application subject to payment of costs of rupees 500/- (Five Hundred Only) to plaintiffs.
3. If defendant no.1 to 6 are 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 : 05/08/2024.

(Sheaikh Wasim Akram)
Jt. Civil Judge Jr. Dn. Karjat.

CERTIFICATE FOR UPLODING TO CIS

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 : 05/08/2024