

MHAH220015492021



R.C.S.No. 137/2021

Devidas Vs. Lala & Ors.

ORDER BELOW EXH.17

(Passed on 03/09/2024)

This is an application filed by defendant no.1 to 3 for permission to file their written statement.

2. It is the contentions of defendant no.1 to 3 that they could not file their written statement within a stipulated time, therefore, they filed the present application for permission to file written statement.

3. The plaintiff filed say overleaf of present application, wherein, he submitted that the present application is false. Reasons mentioned in the application are not proper. Therefore, the plaintiff prayed to reject the present application.

4. Heard learned advocate Mr. D. J. Chavhan for defendant no.1 to 3. Also heard learned advocate Mr. R. D. Raut for the plaintiff.

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

6. Perused the record. It is the contentions of defendant no.1 to 3 that 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 the plaintiff. 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 3 to defend the suit. If an opportunity is not given to defendant no.1 to 3 it will cause hardship to them. However, delay caused by defendant no.1 to 3 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 to 3 are permitted to file their written statement subject to payment of costs of rupees 500/- (Five Hundred Only) to the plaintiff.
3. If defendant no.1 to 3 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 : 03/09/2024.

(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 : 03/09/2024