

ORDER BELOW EXH.23 IN R.C.S.NO. 37/2017

1] The defendant No.1 has filed the present application to set aside no W.S. order passed against him and for permission to file his written statement. The plaintiff opposed the application by filling say on the back side of application itself.

2] Perused application and say. Heard Ld. Advocates for the respective parties. It is the contention of the defendant No.1 that he is suspended from the service due to false cases filed by the plaintiff No.3. The bail granted to defendant No.1, has been cancelled by Hon'ble District & Sessions Judge-1, Akola. The defendant has filed appeal against the said order before the Hon'ble High Court Bench at Nagpur. He was at Nagpur from time to time for giving instruction to his Advocate. Due to said reason, it was not possible for defendant No.1 to appear before this Court and file his W.S. in time. The defendant No.1 is ready with W.S. He is having good case on merits. Hence, it is prayed that application be allowed.

3] On the other hand, the Ld. Advocate Mr. K.W.Ingole for plaintiff apposed the application stating that already sufficient opportunity was granted to the defendant No.1. The reason is not sufficient and hence prayed for rejection of application.

4] The plaintiffs have filed the present suit for partition, separate possession, declaration and permanent injunction. The no W.S. order is passed against defendant No.1 on 13-10-2017. The present application is moved on 16-12-2017. The reason mentioned in the application is supported by affidavit. In my view, it is sufficient reason to grant opportunity to defendant No.1. Considering the reason and in order to decide the matter on merits, one opportunity is likely to be given to the defendant No.1. Hence, in the interest of justice, I proceed to pass following order:

ORDER

- 1] Applicatio Exh.23 is allowed subject to cost of Rs.300/- be paid to plaintiffs.
- 2] On paying or depositing the cost amount, no W.S. order against defendant No.1 will be set aside and his written statement will be read and recorded.

Dt. 09-02-2018.

Barshitakli.

(Paresh R. Wagdole)

Civil Judge (Jr.Dn.),

Barshitakli.

Certificate

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

Name of Steno : Mrs. Hemlata N. Dahake, Steno.

Court Name : Civil Judge (Jr.Dn.) & J.M.F.C.,
Barshitakli

Date : 09-02-2018

Signed by Presiding Officer : 09-02-2018

Uploaded on : 10-02-2018