

ORDER BELOW EXH.68 IN R.C.S.No. 410/2015

(CNR No. : MHAU05-002436-2015)

Present application filed by defendant Nos.3, 5 and 7 to 9 for setting aside no written statement order and to file written statement. The counsel for plaintiffs filed his say on backside of the application and given no objection to allow the same.

2. Heard learned counsels for both sides. Counsel for defendants submitted that as the defendants are illiterate and their earlier counsel has not communicated about the matter, therefore, they could not their written statement within time, so, the court has passed no w.s. order against defendant Nos.3 on 29.04.2016 and that of against defendant Nos.5,7,8 and 9 on 28.11.2016. They have not intentionally delayed to file their written statement and prayed to grant one opportunity to file the same.

3. The defendants have filed this application along with their affidavits and written statement on 20.02.2020. In spite of sufficient opportunities, the defendants have not filed their written statement therefore the court has passed "no written statement order" against them on 29.04.2016 and 28.11.2016. However, the plaintiffs have no objection to allow the application. Present suit is filed for partition and possession. Considering the nature of suit, it appears that at this stage if no written statement order is set aside and permission is granted to file written statement it will be helpful to the court to decide the suit on merit. Hence, I pass following order -

ORDER

1. Hence, application stands allowed.
2. No written statement order dated 29.04.2016 passed against defendant Nos.3 and order dated 28.11.2016 passed against defendant Nos.5, 7, 8 and 9 is hereby set aside and permission is granted to file their written statement on record and it be marked as exhibit number.

Date : 12.03.2020.

(V.R. Jambhule)
Civil Judge (S.D.),
Vaijapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file of Judgment / Order is same word to word as per the original Judgment / Order.

Name of Stenographer	:	Sachin V. Kondekar Stenographer (Grade – 2)
Court	:	Smt. V.R. Jambhule Civil Judge (S.D.), Vaijapur.
Date	:	12.03.2020
Judgment / Order signed by the presiding officer on	:	12.03.2020
Judgment uploaded on	:	12.03.2020