

**Order passed below Exh.21 in R.C.S. No. 127/2017**  
**Thansing Gahire Vs. Sarubai Manjare & Others**  
**Dated : 06.01.2018.**

1. Perused application & say thereon. Heard ld. Adv. Smt. M. S. Pandure for plaintiff. Ld. Adv. of defendant no. 3 absent when called for. This application is filed on behalf of defendant no. 3 for setting aside No. W.S. Order passed against him on 16.09.2017. It is contended on behalf of defendant no. 3 that he cannot obtain necessary revenue documents from concerned office. Therefore, he could not file his W.S. on record. His Written statement is necessary for deciding real controversy in between parties. Finally, defendant no. 3 requested for grant of application. On the contrary, plaintiff resisted the application by contending that this defendant has caused 46 days delay in filing his written statement on record. Reasons shown in the application is not proper. Finally, plaintiff insisted for costs.

2. After going through the submissions of the parties, I have gone through record and proceedings of the present suit. Present suit is filed for perpetual injunction. Suit is related to immovable property. Therefore, valuable rights and interest of parties are involved in suit. Therefore, considering nature of the suit, I am of concerned view that Written statement of defendant no. 3 is necessary for deciding dispute in between parties finally on merit. Therefore, present application deserves to be allowed. Delay caused by this defendant can be compensated by imposing certain costs on him. Hence, application is deserves to be allowed. In this view of matter I proceed to pass following order.

**ORDER.**

- (1) No. W.S. Order passed against defendant no. 3 on 16/09/2017 is set aside subject to payment of cost of Rs. 100/- (Rs. One hundred) be paid to plaintiff till on or before next date.
- (2) On compliance Written statement of defendant no. 3 be taken on record.
- (3) If this defendant failed to comply as ordered above this application be treated as rejected without further reference of the court.

Date:- 06/01/2018.

( B.T. Zirape)  
Jt. Civil Judge J.D.Gangapur