

**Order passed below Exh.28 in R.C.S. No. 127/2017**  
**Thansing Gahire Vs. Sarubai Manjare & Others**  
**Dated : 06.01.2018.**

1. Perused application & say thereon. Heard both sides. This application is filed on behalf of defendant nos. 1, 2, 4 to 7 for setting aside No. W.S. Order passed against them on 26.09.2017 and for condonation of delay caused for filing their W.S. on record. It is contended on behalf of by these defendants that they cannot obtain necessary revenue documents from concerned office. Therefore, they cannot file their W.S. on record within time framed. Written statement of these defendants is necessary for deciding real controversy in between parties. Therefore, these defendants requested for grant of application. On the contrary, plaintiff resisted the application by contending that present application is filed at belated stage with a view to prolong the suit. Reasons shown in the application are not true. Finally, the plaintiff requested for rejection of the application. Plaintiff also requested for imposing heavy costs on these defendants.

2. After hearing the submissions of the rival parties, I have gone through record and proceedings of the present suit. Present suit is filed for perpetual injunction only. 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 these defendants is necessary for deciding dispute in between parties finally on merit. Therefore, present application deserves to be allowed. However, these defendants have caused certain delay for filing their W. S. on record. Such delay can be condoned by imposing certain costs on them. So present application is deserves to be allowed with costs. In this view of matter, I proceed to pass following order.

**ORDER.**

- (1) No. W.S. Order passed against defendant nos. 1, 2, 4 to 7 on 26/09/2017 is set aside subject to payment of cost of Rs. 500/- (Rs. Five hundred) be paid to plaintiff till on or before next date.
- (2) On compliance, Written statement of defendant nos. 1, 2, 4 to 7 be taken on record.
- (3) If these defendants 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

