

MHAU070025892016



Order passed below Exh. 19 in R.C.S. No. 21/2017
Rameshprasad Choube Vs Deviprasad Choube & others
(Dated :- 08.08.2018)

01. Perused the application and say thereon. This application is filed on behalf of defendant Nos. 2 and 5 for setting aside 'No Written Statement Order' passed against them on 25.07.2017. It is the case of these defendants that their rights and interests are involved in the present suit. They could not obtain necessary certified copies from revenue office. Therefore, they could not file their written statement on record within time framed. Finally, defendant Nos. 2 and 5 requested for grant of application. On the contrary, plaintiff resisted the application by contending that these defendants are duly served with summons on 08.03.2017. They appeared in the suit on 16.03.2017. No proper reason of delay is mentioned in the application. Finally, plaintiff requested for rejection of the application with cost.

02. After hearing rival submission of the parties, I have gone through record and proceeding of the present suit. Present suit is filed for partition and separate possession of the suit property. Prima facie, rights and interests of these defendants appears to be involved in the suit. Suit is relating to immovable property. Therefore, I am of the view that written statement of these defendants is necessary

to decide dispute in between the parties finally on merit. However, these defendants have caused certain delay. That delay can be compensated by imposing certain cost on these defendants. Therefore, present application deserves to be allowed in the interest of justice. In this view of matter, I proceed to pass the following order.

ORDER

- 1) 'No Written Statement Order' passed against defendant Nos. 2 & 5 on dated 25.07.2017 is hereby set aside subject to payment of cost of Rs. 500/- be paid to plaintiff till on or before next date.
- 2) On compliance, delay caused for filing written statement on record by these defendants be treated as condoned.
- 3) On compliance, written statement of defendant Nos. 2 & 5 be taken on record.

Sd/-
(B. T. Zirape)
Jt. Civil Judge (Junior Division),
Gangapur

Date :- 08.08.2018

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	:	Akshay R. Kulkarni.
Court	:	Jt. C.J.J.D. & J.M.F.C. Court, Gangapur.
Order Date	:	08.08.2018.
Order signed by the Presiding Officer on	:	08.08.2018.
Order uploaded on	:	08.08.2018.