

MHAU080016432025



R.C.S./151/2025

Ramesh Ramlal Patthe Vs. Mannabai Ramlal Patthe

ORDER BELOW EXH. 13

This is an application for setting aside no-w.s. order passed against defendant No. 1 to 3 on dated 28/10/2025.

02. It is submitted that, defendant No. 1 had sustain large injury to her stomach. As such she was admitted in Ghati hospital and defendant No. 2 & 3 were along with her, as such they could not file their written statement within limitation. Hence, it is prayed for granting the very application.

03. The say of plaintiff was called upon. Accordingly, Ld. Adv. A. A. Tayde filed say vide Exh. 14 and opposed the application contending that, defendants have not filed any document to show that defendant No. 1 was admitted in Ghati hospital. The application is misleading the Court. Hence, it is prayed for rejecting the very application.

04. Perused the application, say thereon and record in hand. It appears that, plaintiff Ramesh Ramlal Patthe filed present suit for declaration and perpetual injunction. It appears that, no-ws order was passed against defendants on dated 28/10/2025 as they could not file the written statement within limitation and the present application is filed on dated 01/11/2025. Hence, it is not the case that, after much more delay defendants applied for

setting aside no-w.s. In order to decide the suit on merit, it requires to give an opportunity to defendants for filing their say. Accordingly, I pass the following order :-

ORDER

- i. The application vide Exh. 13 is hereby granted.
- ii. No-w.s. order dated 28/10/2025 is hereby set-aside.
- iii. Written statement filed on record is read and recorded.

Date – 28/11/2025

(K. T. Adhayke)
Jt. Civil Judge Jr. Dn.,
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