

MHAU100005912019



Reg. Civil Suit No.55/2019

Mirabai w/o. Bhavlal Kudale

V/s.

Govind s/o. Shamsing Murade & Ors.

ORDER BELOW EXH.16.

(Passed on 23/02/2023)

(1) The present suit is filed for permanent injunction. Defendants have filed application for setting aside 'No Written Statement Order' at Exh.16 and grant permission to file written statement on record. Order was passed on Exh.1 on 20/01/2020. Perused the application. Heard both sides.

(2) Learned advocate Mr. P.S. Tandulje for plaintiff filed their say below Exh.16 and they submitted to allow the application on cost of Rs.25,000/-. The advocate for defendant has submitted that, the delay was not deliberately caused but to collect some of the documents the delay was caused. So he prayed to allow the application.

(3) It is admitted position that, defendants have to file written statement within stipulated period. To decide the case on merit it is necessary to allow the application. The right to fair hearing (Audi Alterem Partem) is the basic concept of the principle of natural justice. At the same time it is also necessary to take into consideration that, plaintiff has expended her time and money. This application moved after three years. Thus, I am inclined to grant cost to the plaintiff. Resultantly, I pass the following order.

//(2)//

-:: O R D E R ::-

- (1) Application is allowed subject to costs of Rs.1200/- given to the plaintiff.
- (2) No written statement order passed on Exh.1 be set aside.
- (3) Defendants are allowed to file their written statements.

Date:- 23/02/2023

(Dr. S.V. Rajkuntwar)
Civil Judge (Jr.Dn.)
Khulatabad

C E R T I F I C A T E

I affirm that, the contents of this PDF file Judgment / order are same word for word, as per original Judgment / order.

Name of the Stenographer :- ***Akash S. Chavan***

Name of the Court :- C.J.J.D. and J.M.F.C. Court,
Khulatabad.

Dated :- 23/02/2023

Order signed by the
Presiding officer on :- 23/02/2023

Order uploaded on :- 24/02/2023