

R.C.S.No. 65/2012
Sukhdeo v/s. Shantabai & ors.

Order below Exh.31
(Dt:-07/03/2013)

1. By this application original plaintiff (defendant in counter claim) is praying to set aside No W.S. Order passed against him in counter claim.
2. It is contended in the application that his nearest relative was suffering from illness. Therefore, to meet his relative he was out of station, so he could not present before the Court. Therefore, written statement could not be filed from his side. No W.S. Order came to be passed against him.
3. On the said application defendant (plaintiff in counter claim) has filed his say. Therein contended that present application is filed at belated stage. It is not tenable. Therefore, he has prayed present application kindly be rejected.
4. I have gone through the contentions of both sides. Heard Mr. Bansode on behalf of original plaintiff (defendant in counter claim) and heard Mr. R.K. Wayal on behalf of original defendant (plaintiff in counter claim). Present suit is filed by original plaintiff (defendant in counter claim) claim for perpetual injunction. Considering the nature of suit and the reasons given by the original plaintiff (defendant in counter claim) in the interest of justice it is necessary to set aside No W.S. Order against original plaintiff (defendant in counter claim). However, it is necessary to saddle costs on him. As such present application is allowed. Original plaintiff (defendant in counter claim) is allowed to file written statement. He shall pay costs of Rs. 500/- (Rs. five hundred only).

Dated:-07-03-2013.

(Rajesh K.Khomane),
Civil Judge, Jr. Dn.,
Deulgaon-Raja.