

	<u>Spl. C.S. No.91/2020</u> Paras & ors. Vs. Prayagbai & ors.
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ORDER BELOW EXH.50

Defendant Nos.2 to 4 through their Power of Attorney namely Shri. Bhagwan Vitthalrao Phulzade moved an Application for setting aside “No Written Statement Order” dated 30.07.2025 vide Exh.01 and for grant of permission to file Written Statement on record. Plaintiffs have filed Say below same Exhibit.

2] According to these defendants, plaintiffs has filed suit against deceased Prayagbai. Defendant Nos.2 to 4 being the legal representative of deceased defendant No.1 moved an Application under Order I Rule 10 of the Code of Civil Procedure (in short CPC). These defendants were impleaded as party to the suit. Plaintiffs failed to provide copy to these defendants and thus, they could not file Written Statement within time. Hence, prayed for relief in their favour.

3] Plaintiffs opposed the Application on the grounds of authorization of Power of Attorney. Plaintiffs denied that, they failed to supply copy of amended plaint to defendants. Hence, prayed for rejecting the Application.

4] Heard Mr. B. M. Kulkarni, the learned advocate for defendants. Heard Mr. M. G. Pokharkar, the learned advocate for plaintiffs.

5] Perused Order dated 27.11.2024 vide Exh.35. I have also gone through the Order dated 27.02.2025 vide Exh.41.

6] Perusal of record shows that, it is by Order dated 27.11.2024 vide Exh.35, defendant Nos.2 to 4 are impleaded as necessary party.

Plaintiffs were directed to amend the plaint within limitation. It appears that, plaintiffs, instead of amending the plaint, moved an Application dated 13.01.2024 for review of Order below Exh.35. It is by Order dated **27.02.2025** vide Exh.41 Review Application came to be rejected.

7] It reveals from the record that, plaintiffs incorporated amendment on **12.03.2025** in view of Order dated 27.11.2024 vide Exh.35. Nothing appeared on record to show that, copy of amended plaint has been supplied to defendant Nos.2 to 4, either from roznama or from the endorsement below Exh.01. It is during and after the transfer of matter to this Court, stage has been regularized by order dated 30.07.2025 vide Exh.01. Neither plaintiffs nor defendants brought to be notice of the court regarding supply of copy of amended plaint. Thus, suit suffers from irregularity and the lacuna by both parties. Both the parties contributed to the delay in proceeding.

8] Considering the nature of litigation and the status of the case, following order shall serve the purpose :-

ORDER

- 1] Application (Exh.50) is allowed with costs of Rs.2,000/- be paid to the District Legal Services Authority, Jalna till next date; failing which the relief so granted in view of this order to these defendants, shall stand forfeited.
- 2] After compliance, Written Statement so placed on record be exhibited.

Place : Jalna
Date: 20.04.2026

(**Smt. Priti D. Taru**)
2nd Jt. Civil Judge Senior Division
Jalna.

CERTIFICATE

“I affirm that, the contents of this PDF file are word to word as per original order.”

Name of Steno	:- Amar R. Gadade
Name of Court	:- 2 nd Jt. Civil Judge (Sr.Dn), Jalna.
Signed On	:- 20.04.2026
PDF On	:- 20.04.2026

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