

CNR No.- MHJN0500002262015

Order below exh. 32 in RCS no.09/2015

1. Present application is of defendant 9 Datta Bajirao Patil to set aside no W.S. order.

2. Read application and say given by learned Advocate for the plaintiff. Perused all the documents on the record. Heard Ld. adv. of plaintiff and defendant no. 9.

3. Application of defendant no.9 Datta Bajirao Patil is supported with his affidavit vide Exh.33. He mentioned the reasons that he was ill due to heart weakness. Hence he went to Sai hospital Shirdi for Cardiac treatment. Hence he was unable to present his WS within time. If the opportunity is not given to present his side in the suit then he will suffer great loss. Hence defendant no. 9 prayed for the allowing the application.

4. Ld. adv. of the plaintiff submitted that on 16.12.2016 defendant no. 9 has appeared in the suit. He was served with suit summons on 05.11.2016. No WS order was passed against him on 28.06.2017. Hence the duration itself shows there is much delay in making this application hence plaintiff prayed for rejection of the application with cost.

5. Perused the prayer clause of the plaint. Suit is for partition, separate possession and perpetual injunction. Defendant no. 9 Datta Bajirao Patil though not a co-sharer but he is the purchaser of suit property. Hence his interest by way of this suit are going to be affected. Hence his say should come on record. For that

purpose opportunity should be given to the defendant no. 9 to present his W.S. but considering the delay made in making this application and reason for the delay in making this application given by the applicant/defendant no. 9, application to set aside No W.S. order requires to be allowed on cost. Hence I pass following order-

Order

- i] Application is allowed subject to cost of Rs. 200/- to be paid to plaintiff.
- ii] After payment of cost “No W.S. ” order passed against defendant no.9 be set aside and written statement of defendant no. 9 be taken on record.

Date : 18-09-2019

Sd/-
(Smt. Pooja N.Kokate)
Civil Judge, J.D.
Partur.

Certificate

I affirm that the contents of this PDF file Order are same word to word as per the original Order.

Name of the Stenographer	R.B. Dukare
Name of the Court	Pooja N. Kokate, C.J.J.D., Court No.1, Partur.
Date of dictation	18/09/2019
Order Signed by P.O. on	18/09/2019
Order Uploaded on	20/09/2019