

Special Civil Suit No.16/2010.

ORDER PASSED BELOW EXH.96

1. This application is filed by defendant No.7 praying therein to set aside no written statement order passed against him. Already defendants have filed their written statement on record at Exh.11 on 6.11.2012. However, before that on 25.9.2012 no written statement order was passed against them. While filing written statement, defendant No. 7 has forgotten to file application to set aside no written statement order and written statement of defendant Nos. 5 to 7 was commonly filed, same was read and recorded by the Court. However, it is necessary to set aside no written statement order passed against him. Hence, this application.

2. On the other hand, learned advocate for plaintiff filed his say and opposed to allow this application contending that this application is moved by defendant No. 7 after three years from passing of no written statement order. Hence, prayed for rejection of application.

3. Heard both sides and gone through the record. It appears that already written statement was filed on record

prior to three years and same was read and recorded by the Court. Hence, defendant No. 7 did not file application to set aside that order. Reason stated for delay in filing of this application, appears to be proper. Already written statement of this defendant is accepted and same is read and recorded. In such circumstances, I do not find any reason to reject this application. In result, I pass following order.

ORDER

- (1) Application is allowed.
- (2) No written statement order passed against defendant No.7 dated 25.9.2012 is hereby set aside.
- (3) Written statement of defendant No. 7 is taken on record.

Dt.: 27.06.2018.

Sd/-
(K.G. Sawant)
Jt. Civil Judge Senior Division,
Jaysingpur.

