

Order passed below Exh.37 in R.C.S. No.49 of 2015.

By way of this application defendant Nos.1 and 2 have prayed to set-aside No.W.S. order passed against them. It is stated on behalf of defendants that, on last date defendant No.2 was out of village and therefore, they could not file written statement within time in respect of amended plaint.

02. Learned advocate for plaintiff filed his say and apposed to allow this application. It is stated on behalf of plaintiff that, present application is filed by defendant with intention to delay the matter. Alternatively, it is prayed that application may be allowed subject of cost of ₹2,000/-.

03. Heard learned advocate for plaintiff and gone through record. It appears that by order dated 06/07/2017 application of the defendant at Exh.36 seeking time to file amended written statement was rejected. Hence, this application. It appears that thereafter on a next date immediately present application is filed by defendant alongwith their written statement. Considering reason stated by the defendants and in order to decide the suit on merit, opportunity needs to be given to them to file written statement. So far as delay on the part of defendants is concerned same can be balanced by imposing cost on them. In result, I pass following order.

ORDER

- 1) Application at Exh.37 is allowed subject to cost of ₹1,000/- payable by defendant Nos.1 and 2 jointly within 15 days from today of the plaintiff.
- 2) In case of failure to pay cost in stipulated time, said order will stand canceled automatically.
- 3) W.S. shall be taken on record after compliance of this order.

Sd/-

(K.G.Sawant)

Date:01/09/2017.

Jt.Civil Judge, Jr.Dn., Jaysingpur.

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri.R.L.Mane.
Name of Court	Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	01/09/2017.
Judgment/order signed by the PO on	01/09/2017.
Judgment/order uploaded on	07/09/2017.