



**Order passed below Exh. 34**

(CNR No. MHK0100002732015)

1. This is an application by defendant Nos. 2 & 5 to 7 for setting aside 'No written statement' order dated 01/10/2015.
2. Read the application and say filed thereon. Heard Ld. Advocate for the both the sides.
3. Perused the case record. It reveals that, no w.s. order passed on 01/10/2015 i.e. more than 3 years ago. Now setting aside is claimed on various grounds including one that defendant to not get material documents from concern office. This suit is filed for partition. Therefore it is necessary to allow the parties to put their pleadings on record. Here it would be just and proper to mention that, in case of **Municipal Council, Hinganghat, Dist. Wardha V/s. Sudhirkumar Krushnakumar Sahani reported in 2010(3) Mah. L.J. Page No. 948 Bom. H.C. (Nagpur Bench)** it has been held that, "Outer after limit for filing written statement is 90 days from the date of service of summons but where sufficient ground and reasons are shown the application though filed belatedly and casually, deserves to be allowed." In the circumstances and considering nature the suit as well as considering grievances put by the plaintiff, I pass following order.

**ORDER**

- 1) No Written Statement order dated 01/10/2015 passed against defendant Nos. 2 & 5 to 7 is set aside subject to cost of Rs. 2000/- ( Rs. Two Thousand only)
- 2) Written Statement taken on record after payment of cost by the defendants.

Date 04/07/2019  
Place : Gadhinglaj

( M.T. Kharade)  
2<sup>nd</sup> Jt. Civil Judge Jr. Division  
Gadhinglaj