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| <u>MHKO130003502024</u> | <u>R.C.S. No. 49/2024</u> |
|  | <u>Dattatray Dhondi Patil Vs. Housabai</u> <u>Pandurang Devadakar</u> |

ORDER BELOW EXH. 17.

1] The defendant no. 1 has filed this application for setting aside the No.W.S. order & seeking permission to file written statement on record.

2] Perused the application and say filed by the plaintiffs. Heard both the sides. On perusal of record, it appears that defendant no. 1 has failed to file written statement within stipulated period. Plaintiff has filed present suit for partition & perpetual injunction. Considering the reliefs sought and the nature of suit, written statement of defendant no. 1 is necessary to be on record for proper adjudication of the suit and for just decision of the suit. The application has been duly supported by an affidavit. No reason to disbelieve the ground. Moreover, the defendant no. 1 has to be given an opportunity to be heard and contest the suit. Hence I proceed to pass the following order:-

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| <u>ORDER</u> | |
| | The application is allowed subject to costs of Rs. 300/- [Rs. Three hundred only] which is payable to plaintiff. |

Kagal.
Date :- 26/08/2024

Sd/-.
(**Pranita S. Patil**)
Jt. Civil Judge Jr. Dn. Kagal.