

MHKO130008662013	<u>R.C.S. No. 189/2013</u>
	<u>Ranjit Ramrao Sawant</u> <u>Vs.</u> <u>Vasantrao Ganpatrao Sawant etc.9</u>

ORDER BELOW EXH. 65.

1] Legal heirs of defendant No.3 i.e. defendant No.3(a),(b) 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 legal heirs of defendant No.3 has failed to file written statement within stipulated period. Plaintiffs have filed present suit for perpetual injunction and partition. Considering the reliefs sought and the nature of suit, written statement of legal heirs of defendant No.3 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 has to be given an opportunity to be heard and contest the suit.

3] More importantly, it appears that plaintiff has closed his evidence on 14/11/2025 vide pursis Exh.62 thereafter evidence of defendant is closed on 04/03/2026. Thereafter, present application has been filed. Considering the delay caused and oldness of the matter, in the interest of justice it is just and proper to impose cost on the defendant. Hence I proceed to pass the following order:-

<u>ORDER</u>	
1.	The application is allowed.
2.	No W.S. order passed below Exh.01 dtd.13/02/2025 against defendant No.3(a),(b) is set aside subject to cost of Rs. 1,000/- [Rs. One Thousand only] which is payable to plaintiff.

Kagal.
Date :- 12/06/2026

(Pranita S. Patil)
Jt. Civil Judge Jr. Dn. Kagal.