

MHKO140003102023 Qr code is not downloaded due to technical error.	Regular Civil Suit No.67/2023 Pandurang Jyoti Bhosale Vs. Hari Rama Bhosale
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ORDER ON EXHIBIT 21

{DATE : 10/02/2025}

1. By way of this application defendant prayed for permission to file written say to the application below Exh.14. It is submitted that plaintiff has filed application below Exh.14 on 12/07/2024. At the same time, plaintiff has filed application for amendment in the plaint. Defendant has filed say to the said application of amendment. Due to misunderstanding the defendants have not filed say to the application at Exh.14. Thereafter, no say order passed against the defendant and the said application is fixed for argument. The plaintiff has filed said application at Exh.14 after 1 ½ year of filing the suit. In order to decide the said application on merit it is necessary to set aside the no say order and permission needs to be granted to the defendants to file say at Exh.14. Hence, present application.

2. On the other side, Learned Advocate for plaintiff filed say and raised strong objection. It is submitted that the defendants failed to file say in spite of sufficient opportunity. They failed to file say within limitation. Hence, the application is liable to be rejected. In alternative it is prayed to allow the application on imposing cost of Rs.1000/-

3. Perused the record. Heard Learned Advocate for both side. It is matter of record that present suit is file for partition and separate possession along with the relief of injunction. During pendency, the plaintiff has filed application for temporary injunction at Exh.14. It is seen that the defendants have failed to file written say to the said application and also

failed to conduct the argument. Therefore, matter is proceed without their say and argument. Today, the defendants have filed say along with the present application and submitted to grant permission in the interest of justice. The application below Exh.14 is not yet decided. It is fixed for the order. Before passing order, the defendant have filed say along with present application. Therefore, it would be proper to consider the said written say of defendants to avoid further technical complications and to decide the application on merit. If the application is allowed then no prejudice or loss will be caused to the plaintiff. On the contrary it will cause prejudice to the defendants. At the same time it is necessary to impose cost for causing delay. Accordingly, I pass following order.

ORDER

- I. Application is allow subject to cause of Rs.500/- payable to other side.
- II. No say order passed below Exh.14 is set aside.

Chandgad
Date. 10/02/2020

(W. D. Jadhav)
J.M.F.C.,Chandgad.