

Order passed below Exh.27 in RCS No.76/2016

1] By this application defendants have prayed for admitting their written statement. As per the application, defendants have filed their written statement. However, the same is not read and recorded as on the previous date due to the heavy rain, defendants were unable to remain present in the court and file their written statement or adjournment application thereto. Defendants have filed their written statement on record thereafter, however, the same is not read and recorded. So, defendants have prayed for admission of the said written statement.

2] Plaintiffs have opposed the application by way of say below it. As per the say of plaintiffs, the reasons mentioned in the application is false and application filed with an intention to prolong the matter. So plaintiffs have prayed for rejection of the application and in the alternative plaintiffs have prayed for compensatory costs from defendants.

3] Heard both the sides and perused the record. Perusal of record shows that plaintiffs have filed this suit for partition and defendant nos.1 to 8 have appeared in the suit and prayed time for filing their written statement. Record shows that on 19/07/2016 time for filing written statement was granted to the defendants till 06/08/2016. However, on 06/08/2016 defendants and learned advocate remain absent and thereafter not prayed for extension of time to file their

written statement. Thereafter, defendants filed their written statement vide Exh.26 without obtaining permission for it and thereafter filed this application for permission.

4] Considering the above facts and circumstances, the nature of dispute between the parties, relief claimed by plaintiffs against the defendants and the period of absence of defendants and reason for it, which is natural calamity, it appears to my mind that for the decision of this suit on merits and as an opportunity to defendants permission for filing written statement is necessary to give to defendants. Hence in the light of above circumstances, I proceed to pass following order.

ORDER

1. Application is allowed subject to costs of Rs.50 (Rupees Fifty only) payable to plaintiffs.

Sd/-

Place:-Panhala.

(V.A.Awaghade)

Date:-01/12/2016

Jt. Civil Judge Junior Division,
Panhala.

-: **CERTIFICATE** :-

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

Name of the Stenographer	--
Name of Court	Shri. V.A.Awaghade
Date of Dictation	01/12/2016
Order signed by the P.O. on	05/12/2016
Order uploaded on	28/12/2016