

MHKO190003302018



ORDER PASSED BELOW EXH.20

IN

R.C.S No.82/2018

Ek Nath Shankar Gundap Vs. Lahu Ananda Bidkar etc.

(Date:02/04/2024)

1. Defendant Nos.1 to 4 have filed the present application for setting aside an order passed below Exh.18 and for permission to file written statement.
2. The plaintiff has filed his say on the overleaf of the application and strongly opposed the application.
3. Heard both the sides.
4. Perused the record. It appears that this is suit for perpetual injunction. The subject matter of the present suit is an immovable property. In order to decide the matter on merits, written statement on behalf of defendant is necessary. The record shows that as per order passed below Exh.16, No W.S order was set aside subject to payment of total costs of Rs.2000/- to the plaintiff. The record further shows that defendants failed to pay the costs amount, therefore as per order passed below Exh.18, the rights of defendants to file written statement is forfeited. Defendants seeks setting aside the said order passed below Exh.18 and seeks permission to file written statement on record. The Ld. Advocate for the plaintiff fairly submitted that in order to decide the matter on merits, the application may be allowed on costs of Rs.1000/-. Considering the above said submission and the nature of the suit, I come to conclusion that the application deserves to be allowed subject to costs of Rs.750/- payable to the plaintiff. In the result, I pass following order.

**- ORDER -**

1. The application below Exh.20 is allowed subject to costs of Rs.750/- payable to the plaintiff on or before next date.

2. If defendants failed to pay costs amount till next date, then this order stands automatically vacated.

3. Parties to comply accordingly.

Date:02/04/2024

**(D. M. G. Malidwale)**  
Civil Judge Junior Division,  
Radhanagari.