

MHKO190005702023



ORDER PASSED BELOW EXH.23

IN

R.C.S No.211/2023

Shivaji Balwant Patil Vs. Tanaji Balwant Patil and
other 1

(Date:10/03/2025)

Plaintiff has filed the present application seeking permission to file his W.S/rejoinder to the Counter Claim (Exh.15) of defendants and for setting aside No Say order passed against him below (Exh.16).

2. Defendants have filed their say overleaf of the application and strongly opposed the application.

3. Heard both the sides. Perused the record. It appears that plaintiff has filed present suit for the relief of declaration and perpetual injunction. Defendants appeared before the Court and filed their written statement along with counter claim below Exh.15 and temporary injunction application below Exh.16 on 06/12/2023. Even after giving sufficient opportunity, plaintiff failed to file his rejoinder to the Counter Claim and say to the temporary injunction application of defendants. Therefore, my Ld. Predecessor passed no say order below Exh.16 on 08/07/2024. The subject matter of the present suit is immovable properties. The valuable rights of defendants are involved in it. If the suit is proceeded without W.S/rejoinder and Say of plaintiff then it would be cause prejudice to his rights.

4. Considering the above said discussion, I am of the view that present application deserves to be allowed and No say order passed against plaintiff is to be set aside. For delay, costs of Rs.800/- is to be saddled upon plaintiff. In the result I pass following order.

- ORDER -

1. The application below Exh.23 is allowed subject to costs of Rs.500/- payable to defendants and Rs.300/- payable to T.L.S.C,Radhanagari, on or before next date.
2. Plaintiff is permitted to file his rejoinder to the Counter Claim and Say to temporary injunction application filed by defendants.
3. Parties to comply accordingly.

Date:10/03/2025

(R. D. Shinde)
Civil Judge Junior Division,
Radhanagari.