

MHKO190008332022



ORDER PASSED BELOW EXH.29

IN

R.C.S No.288/2022

Krishnat Vithoba Sutar Vs. Madhukar Govind Sutar  
etc.16

(Date:14/08/2024)

Defendant Nos.1 to 9 and 12 to 16 have filed the present application for setting aside No W.S order passed against them.

2. The plaintiff has filed his say below Exh.30 and strongly opposed the application. It is contended by the plaintiff that only to prolong the matter defendants have not filed their W.S within stipulated period. Hence, he prayed to reject the application.

3. Heard Ld. Advocate for the plaintiff. Ld. Advocate for defendants remained absent when called.

4. Perused the record. It appears that the plaintiff has filed present suit for the relief of partition and declaration. The subject matter of the present suit is immovable properties. The valuable rights of defendant Nos.1 to 9 and 12 to 16 are involved in it. If the suit is proceeded without W.S of defendant Nos.1 to 9 and 12 to 16 then it would be cause prejudice to their rights. Considering the above said discussion, I am of the view that application deserves to be allowed. For delay, costs of Rs.300/- is to be saddled upon defendant Nos.1 to 9 and 12 to 16. In the result I pass following order.

**- ORDER -**

1. The application below Exh.29 is allowed and defendant Nos.1 to 9 and 12 to 16 are permitted to file their W.S subject to costs of Rs.300/- payable to the plaintiff.

2. Defendant Nos.1 to 9 and 12 to 16 shall pay the costs amount to the plaintiff on or before next date.

3. Parties to comply accordingly.

Date:14/08/2024

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