

MHLA11-000111-2015

Order below application vide Exh.234
in R. C. S No. 132/2012
Bapurao Vs. Pandurang and Ors.

Perused contents of the application and say thereon. Heard to learned advocates for the parties. They submitted contents of application and say thereon respectively. Perused the record.

2. By this application, defendants No. 26 to 29 are seeking to set-aside the order proceeding the suit without their written statement on the grounds that, they were out of station for their work and were in need of some material documents. Therefore, delay occurred for filing their written statement. The plaintiff contended that, contents of the application are untrue, therefore, the same may be rejected.

3. However, the present application is supported with affidavit vide Exh.235. Moreover, the present suit is for partition and separate possession. Averment in the plaint, prima-facie reveals that, the plaintiff and the defendants No.1 to 6 are members of the Hindu Joint family. Defendants No.7 and 8 are sisters of defendant No.1. Defendant No.8 have no rights in the suit property. The suit properties are alleged to have been ancestral and belongs to the Hindu Joint

family. The sale-deeds are alleged to have been not binding on the plaintiff's rights. The present defendants denied plaintiff's entire claim and lastly contended to dismiss the suit. In such circumstances, opportunity of hearing will have to be given to defendants No.26 to 29. Furthermore, affording such opportunity will be helpful to decide real controversies between the parties finally on merits and to avoid multiplicity of suit and proceedings. The parties will have an opportunity to lead their evidence as well as cross-examine the witnesses of each other. Therefore, no prejudice would be caused to the plaintiff, if the opportunity is afforded as aforesaid. Admittedly, there is delay. However, considering aforesaid facts, nature of the pleadings and reliefs sought for, the delay may be compensated with the costs. Hence, in the interest of justice order dated 29.10.2025, proceeding the suit further without written statement of defendants Nos. 26 to 29 passed below the plaintiff vide Exh.01 is hereby set-aside subject to costs of Rs.500/- (Rupees Five Hundred Only) payable by defendants No.26 to 29 to the plaintiff.

	(R. V. Pande)
Date :04/08/2026	Civil Judge, Senior Division, Nilanga,
Place: Nilanga	District Latur.