

Order below Exh.83 in RCS No.414/2017

Balika Vs. Gulshanbai

By this application defendant No.2/B has requested to accept the WS filed by her, on the grounds mentioned in the application. Plaintiffs have raised strong objections on several grounds. Perused application and say. Heard both the sides. Record shows that plaintiffs have filed this suit for partition and separate possession and the suit summons to defendant No.2/B were issued vide paper publication. Plaintiffs have filed the news paper at list below Exh.44/1 and it shows that the suit summons were published in the daily news paper Lokmat on 30/07/2021. Therefore, it cannot be held that the defendant No.2/B is appearing in the suit suo motu, as contended. The defendant No.2/B ought to have appeared in the suit at the earliest possible opportunity. She failed to do so. There is delay of approximately more than three years in appearing before the Court and filing WS. Be that as it may. Considering the nature of suit, reliefs claimed and rights involved, I am of the view that this delay can be condoned by imposing cost of Rs.3,000/- upon defendant No.2/B. Being a fact finding Court, it is necessary to permit defendant No.2/B to contest the claim of plaintiffs on merits. Hence, I pass following order:-

ORDER

1. Defendant No.2/B is hereby permitted to file her WS subject to cost of Rs.3,000/- to be payable by her to plaintiffs on next date or any other date as extended by the Court.
2. After payment of cost amount and its acknowledgment by plaintiffs, the WS filed by defendant No.2/B be taken on record.

Date :06/05/2025

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.