

MHLA110008622022



Order below Exh.103 in RCS No.306/2015
Urmila Vs. Nandkumar & Ors.

By this application plaintiff has requested to set aside the order dated 20/09/2023 passed at **Exh.62** by which that application came to be disposed of and for granting permission to argue on the application at **Exh.62**, on the grounds stated in the application. Defendant Nos.1 and 3 have filed their say and raised objections. Defendant No.2 failed to file his say. Perused application and say. Heard learned advocate Shri.Hatte for plaintiff and learned advocate Shri Walande for defendant Nos.1 and 3. Both of them have submitted in the line of their application and say respectively.

2. Record shows that plaintiff has filed this suit for fixation of boundaries and perpetual injunction in respect of suit land described in para No.1 of the plaint. Defendant Nos.1 and 3 have filed their WS at **Exh.22** and defendant No.2 at **Exh.42**. The suit is proceeding ex-parte against defendant No.4. Issues are framed at **Exh.56** on 22/06/2018. Record further shows that plaintiff has filed an application for measurement of land Sy. Nos.15 and 16 at **Exh.62** on 12/07/2018. This application came to be filed on record on 20/09/2023. This application is filed on 30/10/2023. There is no inordinate delay on the part of plaintiff in moving present application. Considering the nature of suit and the application at **Exh.62**, in my opinion, it is desirable that the application at **Exh.62** be heard. Hence, I pass following order:-

ORDER

1. The order dated 20/09/2023 passed at **Exh.62** by which that application came to be disposed of as filed on record is set aside and plaintiff is permitted to argue on that application.
2. No order as to costs.

Date : 20/11/2023

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