

MHLA110017992022



Order below Exh.18 in RCS No.728/2022

Annarao Vs. Ramesh

By this application defendant Nos.1,2 and 7 have requested for granting permission to file their WS, on the grounds stated in the application. Plaintiff has filed his say and raised strong objections. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively. Record shows that plaintiff has filed this suit for partition and separate possession. Defendant Nos.1, 2 and 7 had appeared through their counsel on 09/12/2022 vide **Exh.11**. They sought adjournment for filing WS/say on two dates and thereafter they failed to seek adjournment. However, till date no adverse order restraining defendant Nos.1,2 and 7 from filing their WS has been passed. This application is filed on 20/12/2023 i.e. approximately after lapse of more than eight months of statutory period available for filing WS. Let it be so. Considering the nature of suit, grounds stated in the application, rights of the parties involved and the loss which can be caused if the application is rejected, in my opinion, it is desirable that defendant Nos.1,2 and 7 be permitted to file their WS. However, while doing so, the delay of approximately more than eight months caused by defendant Nos.1,2 and 7 cannot be neglected and for that purpose it is necessary to saddle cost upon them. Hence, I pass following order:-

ORDER

1. Defendant Nos.1,2 and 7 are hereby permitted to file their WS subject to cost of Rs.300/- each to be payable by them to plaintiff on or before next date.
2. After payment of cost amount and its acknowledgment by plaintiff, the WS/say filed by defendant Nos.1,2 and 7 be taken on record.

Date : 03/04/2024

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