

Order below Exh.17 in RCS No. 72/2018

(Deepali Vs.. Mukund)

CNR No.MHLA150003102018

Read the application and say filed thereon. Heard the learned advocates for both the parties.

2. This is an application filed by defendant no.5 and 6 for taking their WS on record. According to them, suit summons served and they appeared on 27/08/2018 through advocate. The matter was posted on 11/09/2018. The pleadings in the plaint are false and vexatious. Defendants searched relevant document like mutation entry no.1852 and old 7/12 extract of land Gat No.237 and mutation entry no.2643. Defendants had applied for these documents but these documents were not trace out by the concern custodian, so they could not go through these documents and not file the written statement within the stipulated time. Therefore, they prayed to allow the application.

3. On the contrary, plaintiff opposed the application contending that the reason mentioned in the application is not proper. At the time of filing suit she provided all documents to defendants. Some of the important documents is not received to defendants, this reason is not proper. Hence plaintiff prayed for rejection of the same.

4. Considering the submissions made on behalf of both the parties and on perusal of the records of case it is seen that summons was served. However, they failed to file WS within limitation. No WS order was passed on 01/12/2018. There is much delay in filing this application. Even though to adjudicate the case on merits and to give fair and reasonable opportunity, it will be just and proper to allow the application subject to cost. Hence, the following order.

Order

1. Application is allowed subject to cost of Rs.100/- (Rs. One hundred each only) to be paid to plaintiff.
2. No W.S. order pass against above defendants be set aside accordingly after payment of cost.

Date : 04/02/2019

(Y.D.Koinkar)
Civil Judge J. D. Chakur