

COMMON ORDER BELOW EXH. 36 & 38.

This is an application filed by the defendant no.1 to condone the delay and set aside no written statement order passed on 16.10.2015 .

2. The defendant no. 1 has contended that he was in search of necessary documents, more over in the month of February there was accident and in the said accident his leg get fractured and he was admitted in the Ashwini hospital latur. Further the defendant has submitted that he is suffering from paralysis and doctor had advised to take bed rest, therefore he could not file the written statement within statutory period. Thus the defendant has prayed to allow the application and accept his written statement.

4. The learned advocate for plaintiff has submitted that there is delay of three years to file written statement and the application is not tenable. Thus he submitted to reject the application with cost.

5. Read the application, say of plaintiff. Perused the entire record of the case. It appears from the record that, the defendant no. 1 has not filed his written statement within the statutory period therefore no w.s. order came to passed on 16.10.2015. The defendant no. 1 has caused delay to file his written statement within the statutory period. However, the matter is in respect of valuable property and considering the ground of medical reason, in my view an opportunity is required to be granted to defendant to put up his case as per the rule of natural justice. But for causing the delay cost is required to be imposed on defendant. Hence, I proceed to pass the following order.

ORDER

1. The application below Exh. 36 and 38 is allowed and no W.S. order against defendant no. 1 dated on 16.10.2015 is set side and written statement of defendant no. 1 is accepted subject to cost of Rs. 500/- payable to plaintiff.

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[R.C.S. No. 173/2013]
Kashibai Vs.. Shesherao and other

2. Dictated and pronounced in the open court.

Place : Chakur.
Date : 13.03.2018.

(Gajanan B. Jankar)
Jt. Civil Judge, J.D., Chakur.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. File Order are same, word to word, as per the original Order.

Name of the Stenographer	:-	M.B. Pathan
Name of the Court	:-	Civil Judge, J.D., Chakur.
Date of Order	:-	02/02/2018
Order signed by the Presiding Officer on	:-	02/02/2018
Order uploaded on	:-	02/02/2018