

**:: Order below Exh. 99 ::**

01. This is an application by the defendant Nos. 2 and 3 to set aside no written statement order against them. As per the defendants, the defendant No. 2 is heart patient and defendant No. 3 is private driver. Therefore, they could not instruct their advocate for submitting written statement. Hence, prayed to allow the application. Application is opposed by the plaintiffs on the ground that, false reason cited in the application and defendants intentionally avoided to file the written statement.

02. The suit relates to partition of immovable property. The suit is pending for further evidence of the plaintiffs. No doubt, the defendants moved application at belated stage. But considering nature of suit, the dispute needs to be decided on merits. There would be no prejudice to the plaintiffs, if defendants are permitted to file written statement. On the other hand it would help to decide issues between parties on merits. Delay caused to the plaintiffs admits in terms of costs. Hence, following order.:

**:: O r d e r ::**

- 1) Application is allowed subject to cost of Rs. 1,000/- ( Rs. One thousand only ) payable to the plaintiffs jointly.
- 2) No written statement order passed against defendant Nos. 2 and 3 is set aside on payment of costs.

Date : 20-02-2019.

Sd/-  
( U. B. Kalapagar )  
Civil Judge Junior Division,  
**Deoni.**

I affirm that the contents of the P.D.F. file order are same, word to word, as per the original order.

**Reg. Civ. Suit No. 05/2011.**  
**CNR No.MHLA160001232011**

Name of the Stenographer	M.Y. Wadiwale.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	20/02/2019
Order signed by the P.O. on	20/02/2019
Order uploaded on	20/02/2019