

MHND260002342018



ORDER BELOW EXH.97

Maroti+1 Vs. Dipak+4

REGULAR CIVIL SUIT

NO.33/2018

ORDER BELOW EXH.97

This is an application filed by defendant no. 5 for setting aside ex-parte order and to permit him to file his written statement on record. Application is supported with the affidavit.

2. Ld. Advocate Shri. S.S. Deshmukh for defendant no. 5 filed this application on 21/12/2021 that in the original suit the plaintiff no. 2 was his mother and plaintiff no. 1 is his father. This is a suit for partition among the parties to the suit. The plaintiff no. 2 was suffering from various ailment and she died on 13/03/2021 due to heart fail. During this time there was outrage of corona hence, from March-2020 to Sept-2021 that period is exempted by Hon'ble Supreme Court, Hence, he prayed to allow this application.

3. Ld. Advocate for plaintiff did not filed any reply to this application. Hence, this application is decided on merit.

4. Heard, Ld. Advocate for defendant no. 5. From the record it appears that, defendant no. 5 was duly served with

summons. However, he failed to file his written statement within time. To here parties on merit this application deserves to be allowed. However, there is delay on the part of defendant no. 5. Hence, this application is allowed, subject to cost of Rs. 300/- payable to plaintiff forthwith. Hence, I proceed to pass following order-

ORDER

1. Application is allowed.
2. Defendant no. 5 is directed to pay cost of Rs. 300/- subject to cost of Rs. 300/- payable to plaintiff forthwith.
3. Plaintiff no. 1 is directed to received the cash and give acknowledgement in writing.
4. Parties to take note.
5. Pronounced and dictated in open court.

Date: 07/03/2022.

Sd/-
(M.D. Birhari)
Civil Judge Jr. Dn.
Ardhapur

(3) (RCS 33/2018 Order below Exh. 17)

CERTIFICATE

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 : Ku.S.S.korewar (L.G.Steno)

Court Name : Civil Judge Jr. Dn. &
J.M.F.C.,Ardhapur, Dist. Nanded.

Date : 07/03/2022

Order signed by the
Presiding Officer on : 07/03/2022
Order uploaded on : 07/03/2022