

MHNG120003182019



**Regular Civil Suit No.13/2019
Sahntaram/Rameshwar & others**

ORDER BELOW EXH.8
(Passed on 12th November 2021)

By this application, the applicants/defendants prayed to set aside the order of “No written statement” dated 11/08/2021 passed below Exh.1. The learned counsel for the plaintiff strongly opposed the application and argued that the reasons mentioned are frivolous one and the reason of COVID was not in existence.

2. Perused the contents of application and say filed thereon. Heard learned counsel for both the sides.

3. Admittedly, there was pandemic COVID-19, hence the said reason is a bonafide one. Further, this is a suit for partition and separate possession, hence the rights for parties to the suits are involved in subject matter and no prejudice would cause to plaintiff if the instant application is allowed. Further, it will help the Court to decide the real dispute in controversy between the parties on merits. Accordingly, the instant application deserves to be allowed. So far as concerned with the delay, it would be necessary to impose the costs. Hence, I proceed to pass following order.

ORDER

1] Application Exh.8 is hereby allowed.

- 2] The "No written statement" dated 11/08/2021 passed below Exh.1 is hereby set-aside.
- 3] The defendants are hereby directed to pay costs of Rs.500/- jointly to the plaintiff.
- 4] The condition of costs is condition precedent.

Nagpur
Date: 12.11.2021.

Sd/-
(N.B.Rathod)
Civil Judge, Jr.Dn., Narkhed,
District-Nagpur.

CERTIFICATE

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

Name of the stenographer : A.Y.Kulkarni

Case argued on	:	12-11-2021
Order dictated on	:	12-11-2021
Transcription ready on	:	12-11-2021
Order checked and signed off	:	12-11-2021