

Regular Civil Suit No. 45 of 2012.

Manohar Pandurang Gangurde
Versus
Arvind Vasant Gangurde and others

Order below Exh.63.

1. The defendant nos. 3-A, 3-B, 3-C and 3-D have filed this application for permission to place their written statement-cum-say on record.
2. The plaintiff has filed this suit for partition wherein no written statement order came to be passed against defendant nos. 3-A, 3-B, 3-C and 3-D on 07/04/2010. Now present defendants have filed this application with a prayer to allow them to contest the suit by filing their written statement.
3. The plaintiff opposed the prayer by giving say on the backside of the application on the ground that the contents of it are false and it be rejected with costs.
4. Heard Advocate Shri. L.N. Kulkarni for plaintiff and Advocate Shri. Mankar for defendant nos. 3-A, 3-B, 3-C and 3-D. Perused the application and entire suit.
5. The suit is for partition between the relatives. Hence, it would be just to allow all the parties to contest the suit on merit to avoid the multiplicity of litigation. However, though no written statement order came to be passed in the year 2010 even though till now the defendants have not tried for placing their written statement after seeking permission. The defendants alleged that initially all the defendants resolved that they would

appoint one Advocate and tried to settle the matter amicably. But defendant no.1 took disadvantage about the trust of defendant nos. 3-A, 3-B, 3-C and 3-D and filed his own written statement. This fact came to the notice of defendant nos. 3-A, 3-B, 3-C and 3-D and they have moved the present application.

6. Having heard both the sides, it appears that the suit is for return of notice to proposed defendants and therefore, it is yet to be opened. Under such circumstances, it would be just to allow the defendant nos. 3-A, 3-B, 3-C and 3-D to place their written statement as they have caused huge delay, they are deserving to pay cost to plaintiff and the plaintiff has also no objection if the cost is imposed on defendant nos. 3-A, 3-B, 3-C and 3-D. Hence, in the interest of justice and to avoid the multiplicity of litigation and complications in the suit, following order is passed.

ORDER

1. Application (Exh.63) is allowed.
2. The defendant nos. 3-A, 3-B, 3-C and 3-D are permitted to place their written statement-cum-say on record subject to cost of Rs.2,000/- (Rupees two thousand).

Date : 26/06/2014.

Sd/-
(S.B. Dige)
Civil Judge Junior Division,
Pimpalgaon (B.)