

ORDER BELOW EXH. 25

Indubai V/s Vasant and others

Read the application and say filed by plaintiff. Perused record. Heard both the Counsels.

2] This is a suit for partition and separate possession. Wherein application for setting aside no written statement order is filed.

3] It is submitted on behalf of defendant that, on service of summons, defendant No. 3 was supposed to file written statement within time. But, his case is based on the old documents of 1993. Material documents were awaited and therefore, written statement could not be filed within time.

4] By filing say application is resisted. It is the contention of plaintiff that, the application is filed only to drag the proceeding. Defendant himself is negligent and prayed to reject the application.

5] Perusal of record shows that, suit is for partition. Certain property are sold out and therefore, the contention of defendant that documents were awaited, appears to be true. Hence, for the reasons mention above, application deserves to be allowed. IN result following order is passed.

Regular Civil Suit- 61 /2017
(CNR No.MHNS13-000707-2017)

ORDER

- 1] Application Exh. 25 is hereby allowed on costs of Rs. 400/-.

Sd/-xxx
(Vijay C. Gawai)
Civil Judge Junior Division,
Pimpalgaon (B.), Tal. Niphad,
Dist. Nashik.

Date : 21/01/2019