

ORDER BELOW EXH. 20

Perused the application filed by defendant no. 1 for setting aside no written statement order against him. This application is supported his own affidavit.

2] In short contents in the application is that, due to pandemic of covid-19 and due to collect some important documents he failed to file his written statement within time. Now defendant no. 1 want to contest the suit hence it is necessary to set aside no written statement order and given him permission to file written statement on record.

3] Plaintiff strongly opposed the application and submitted that the defendant no.1 has not file his reply intentionally and hence application may be allowed with heavy costs.

4] Heard both the parties.

5] Perused record it shows that, inspite of opportunity to the defendant no. 1 has failed to file written statement within a time. Thus, matter proceed without his reply. Record shows that at the time of placing this application alongwith defendant no. 1 has filed written statement. In such situation in order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the matter, it is necessary to allow this application and permit defendant to file written statement. Due to the act of defendant no. 1 inconvenience cause to plaintiff and more than 5 years delay in the proceeding. It is therefore necessary and

in the interest of justice to consider the application subject to the costs with following conditions:-

ORDER

- 1] Application is allowed.
- 2] No written statement order against defendant no.1 is hereby set aside subject to costs of Rs. 1,000/- paid to plaintiff.
- 3] The written statement of defendant no. 1 is placed on record be consider after paying costs of Rs. 1,000/- to plaintiff.

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by Suchita
Harakchand
Rathi
Date: 2022.09.12
18:49:53 +0530



Dated : 12-09-2022

(Smt. S.H.Rathi)
Jt Civil Judge J.D., Omerga.

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 Stenographer	---	M.K.Kulkarni
Court	---	Jt. C.J.J.D. & J.M.F.C., Omerga
Date	---	12-09-2022
Order signed by the Presiding Officer on	---	12-09-2022
Order uploaded on	---	12-09-2022