

Reg. Civil Suit No. 20/2022

Husenabee w/o Habib Birajdar

Versus

Khajabhai Sapil Birajdar & another

CNR No.-MHOS07-000068-2022

ORDER BELOW EXHIBIT 14

1. This is an application filed by the defendants for setting aside 'No written statement' order passed against them.

2. It is the contention of the defendants that, certain documents were not available with them hence they could not file their written statement within stipulated time. Therefore, the delay was caused in filing the written statement. Delay caused for filing the written statement is not intentional. Hence, prayed to allow the application.

3. The plaintiff has filed his say on the application itself and contended that, the defendants have appeared in the suit on 28-03-2022 and thereafter the 'No written statement' order is passed against them on 05-07-2022. The defendants only with an intention to delay the proceedings of the suit, have avoided to file the written statement within the stipulated time. He prayed that if the application is allowed then heavy cost may be imposed on the defendants.

4. Heard both the parties. Perused the record and proceedings.

5. The present suit is filed by the plaintiff for perpetual injunction against the defendants. The summons to the defendants is served and they appeared in this suit on 28-03-2022 and since then they failed to file their written statement within time. However, matter is relating to the immovable property and rights of both the parties are involved. Hence, in order to decide the matter on merit it is necessary to

give an opportunity of being heard to the defendants also. No harm will be caused to the plaintiff if the present application is allowed. The delay caused in filing the written statement can be compensated in terms of money. Hence, I proceed to pass the following order.

ORDER

- 1) The application is allowed subject to the cost of Rs.200/- (Rs. Two hundred only) to be paid to the plaintiff by the defendant No.1 and 2 jointly.
- 2) The "No W.S. order" passed against the defendant nos. 1 and 2 is set-aside.
- 3) Written statement of the defendant Nos. 1 and 2 will be read and recorded on payment of costs to the plaintiff on or before next date.

Date : 15-09-2022

(Smt.M.P. Mathure)
2nd Jt. Civil Judge, J.D., Omerga.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	---	Shri K. D. Adwant
Court	---	2 nd Jt.C.J.J.D. & J.M.F.C. Omerga.
Date	---	15-09-2022
Order signed by the Presiding Officer on	---	15-09-2022
Order uploaded on	---	15-09-2022