

ORDER BELOW EXH. 20 IN REGULAR CIVIL SUIT NO. 143/2016.

This is an application moved by the defendant No. 1 & 3 for setting aside "No written statement" order passed against them.

2) Heard learned advocate Shri. V.V.Kawade for the defendants and learned advocate Shri. H.B.Deshmukh for the plaintiff. Perused the application and say.

3) The defendant No. 1 & 3 contended that defendant within time failed to collect necessary document for drafting to written statement due to that, on posted date written statement has not filed. Hence, for the ends of justices no written statement order may kindly be set-aside.

4) The learned advocate for the plaintiffs submitted that there is no provision in the Code of Civil Procedure for setting a side no written statement order passed against defendant. Moreover, defendants have filed this application with intention to delay for hearing on Exh. 5. Hence, application be rejected.

5) Section 151 of the code of Civil Procedure states that, Court has inherent power to make such orders as may be necessary **for the ends of justices or to prevent abuse of the process of the Court**. The principal of natural justice states that i.e. **no man should be condemned unheard**. Hence, application deserves to be allowed by imposing costs. Hence, I proceed to pass the following order.

ORDER

1. Application is allowed subject to payment of costs of Rs.300/- (Rupees three hundred only) to the plaintiff on or before next date.
2. After compliance of above clause, necessary order will be passed on Exh.1.
3. Failure to comply above clause, on or before next date, the application shall be deemed to be rejected.

Dated:- 12/07/2018.

Sd/-
(M. D. Thombare)
Jt. Civil Judge, Jr. Dn.,
Kallam.

C E R T I F I C A T E

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 the Stenographer	Shri. V. L. Tadmok, L. G. Stenographer.
Name of Court	Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	05/10/16
Judgment/Order signed by the P. O. on	05/10/16
Judgment/Order uploaded on	05/10/16