

ORDER PASSED BELOW EXH. 73 IN R.C.S. NO. 617/2005.
(CNR NO.MHOS09-000291-2005).

Ashok Mali(Gore) ..V/s.. Rangnath Shitole & Ors.

1. Defendant No. 1 and 3 to 5 have filed this application, praying that *no additional written statement* order dated 17/12/2014 passed against them be set aside. According to them, inadvertently they could not file additional written statement & therefore, *no additional written statement* order came to be passed against them. With this, they have prayed that *no additional written statement* order passed against him be set aside.

2. The plaintiff has filed his say on overleaf of the present application. He has contended that contents of this application are not true & correct. The reason mentioned in the application is not proper. And therefore, *no additional written statement* order passed against defendant is legal one. With this, the plaintiff has prayed that this application being devoid of merits is liable to be rejected.

3. I have heard Ld. Advocate Mr. B.N.Lomate for defendant No. 1 and 3 to 5 and Ld. Advocate Mr. C.S.Kulkarni for plaintiff, and have gone through record of the suit.

4. Plaintiff amended the plaint as per the order passed on Exh. 55. By way of amendment plaintiff inserted the area of encroach portion 13 R instead of 8 R. It is pertinent to note that defendants have filed their written statement at Exh. 21. But they have failed to file their additional written statement to the amendment carried out as per order passed below Exh. 55. By way of this additional written statement defendants are merely denying plaintiffs theory of encroachment over 13 R land and nothing but. It is pertinent to note that by way of additional written statement defendants are not taking new ground of

defence. Hence, I am of the considered view that *no additional written statement* order passed against defendant needs to be set aside subject to payment of costs of Rs. 1,000/-. Holding so, I proceed to pass the following order.

ORDER

1. Application Exh. 73 is allowed subject to payment of costs of Rs. 1,000 /- (Rs. One thousand only) pay to the plaintiff on or before next date.
2. Failure to comply of this order on or before next date, the application is deemed to be rejected.

Kallam.
Date-23/10/2021.

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

CERTIFICATE

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

Name of Stenographer	---	A.M.Wagh
Court	---	C.J.J.D. & J.M.F.C. Kallam
Date	---	23/10/2021
Order signed by the Presiding officer on	--	23/10/2021
Order uploaded on	–	23/10/2021