

ORDER BELOW EXH. 34

Defendant No.01 has filed application for set aside No say order against him at Exh.30. It is contention of defendant No.01 that defendant No.01 has not received necessary documents therefore, he could not filed say on Exh.30. Therefore, he prayed that application may be allowed. Plaintiff has filed say and resist application. It is the contention of plaintiff that application is not tenable and liable to be reject. The reasons are not proper hence application may be reject. He further contended that if application allow heavy costs may be impose on defendant No.1.

2. Considering the rival contentions of both parties, following points arise for my determination and my findings on it and reasons therefore are as follows:

POINTS	FINDINGS
1. Whether the application deserves to be allowed?	... In the affirmative.
2. What order ?	... As per final order.

REASONS**As to Point No.1:**

3. After perusal Exh.30 it appears that plaintiff has filed said application for amendment in plaint. Considering nature of suit it seems that it is justify that defendant No.01 give opportunity to file his say at Exh.30. Hence I held that application deserves to be allowed with costs. Hence I answer issue No. 1 is Affirmative and as to issue No. 2 passed following Order.

ORDER

Application is allowed subject to cost of Rs.200/-

Date : 20.01.2023.

(Smt.J. N. Yadav)
Jt. Civil Judge Senior Division,
Paranda.