

ORDER BELOW EXH.120

1. Perused the application and say filed by the plaintiff. Heard both the sides.
2. Present application is filed by the Defendant for the set aside 'no written statement' order passed against the Defendant on Exh. 1 on dated 24/07/2018.

It is submitted by Defendant that defendant 1 is old age person and he was having mis-understanding regarding the date fixed in the court. Hence he was unable to present in this matter and it resulted into court has passed 'no written statement' order against him.

- 3) (i) Plaintiff have filed say at Exh. 123 and strongly opposed the application and stated that statements behalf of defendant in application on Exh. 120 are false and contrary to provisions of law.
(ii) Plaintiff further submmited that matter was adjourned for filing of say by defendant, but defendant no. 1 purposely avoided and neglected to file written statement within prescribed time.
(iii) Plaintiff further states in his say that, defendant has not given sufficient casue to filing written statement and prayed for rejection of application of defendant on Exh. 120.

4. I have gone through the record, matter was adjourned time to time for filing say, considering the nature of dispute, it is necessary to decide the case on merits. The plaintiff filed say and opposed the application. It is submitted that, there is no satisfactory explanation as

to why WS has not been filed within limitation period. Hence, prayed for rejection.

5. Hence in the interest of justice it would be proper to allow this application and allow the defendant to file written statement. But same time delay caused to proceeding cannot be ignored. Hence following order

ORDER

1. Application (Exh.120) is hereby allowed.
2. Accordingly no W.S. order dated 24/07/2018 is hereby set aside, subject to cost of Rs. 500/- to be paid to the plaintiff.
3. Defendant is also permitted to file W.S. subject to cost of Rs. 500/- to be paid to the plaintiff.

Date: 05/02/2019

(M.A. Shaikh)
2nd Jt.CJJD Bhor, Dist. Pune

Certificate

"I affirm that the contents of this P.D.F file Order are same word for word as per original Order.

Name of the Steno : A. A. Shaikh.

Court Name : Shri. M. A. Shaikh
2nd Jt.C.J.J.D., Bhore, Dist. Pune.

Date :05/02/2019

Order signed by presiding officer on : 05/02/2019

Order uploaded on : 07/02/2019.