

R.C.S. No. 384/2017

Nivrutti V/s Kisan

CNR No. MHPU13-003583-2016

ORDER BELOW EXH-46

1. This application is filed by defendant No. 1 to 4, 9 and 11 for condone the delay in filling W.S. Contending that, defendants are illerate, the necessary documents were not available to them within time. Therefore 109 days delay occurred in filing w.s. and say. If delay not condoned the irreparable loss would be caused to defendants. It is necessary to condone the delay in filing w.s.

Praying that, the delay in filing w.s. and say may be condoned.

2. Plaintiffs filed their say on the application contending that, application is not legal and correct. Defendants are literate , intentionally they have not filed W.S. Hence application may be rejected. If application allowed Rs. 3000/- costs may be imposed upon defendants.

3. Perused the record of suit. The suit is for partition, declaration and injunction. For deciding suit on merit it is necessary to hear defendant no 1 to 4, 9 and 11 Hence, Considering the reason application deserved to be allowed. Hence, I pass the following order.

ORDER

1. Application is allowed, Subject to costs of Rs. 500.
2. Delay in filing W.S. and say of defendant no. 1 to 4, 9 and 11 is hereby condoned.

Saswad
Date:-16/01/2019

(V.B. Salunke)
Civil Judge Junior Division
Saswad

CERTIFICATE

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

Name of Steno : K. N. Chopade (L. G.)

Court Name : V.B.Salunke
Judicial Magistrate First Class Saswad.

Date of Judgment : 16/01/2019

Judgment signed by presiding officer on : 16/01/2019

Judgment uploaded on : 19/01/2019