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| <p>CNR No. MHRG080002642021</p>  | <p><u>R.C.S. NO.16/2021</u> [Jagannath Parshuram Patil V/s. Balkrushna Babu Waghmare and Ors.]</p> |
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ORDER BELOW EXH. 43

1. This is an application by the defendants for setting aside no say order passed against him dated 12/08/2025
2. The plaintiff has filed his say on the application itself and strongly opposed the application.
3. Heard both the sides.
4. Perused the record. Plaintiffs have filed the present suit for Mandatory injunction, declaration and perpetual injunction. The subject matter of the suit is immovable property. Record shows that, on 12/02/2025 the plaintiff has filed an application for appointment of Court Commissioner. On that application no say order passed against defendants on 12/08/2025. But, from the nature of the suit it shows that, if the present matter is proceeded further without say of defendants, then it will cause harm to their rights.
5. Considering the above said aspects, the application deserves to be allowed. The record shows that defendants have caused ample delay in filing say on record. Therefore, costs is to be saddled upon them. In the result, I pass the following order.

ORDER

1. The application is allowed and no say order passed

against defendants is set aside subject to costs of Rs. 500/- Rs. Five Hundred Only) payable to the plaintiff.

2. The payment of costs shall be condition precedent and if defendants failed to pay costs amount to the applicant till next date, then this order shall automatically stands vacated.

Date:- 15/09/2025

(Smt. D. S. Khot.)
Jt. Civil Judge, Khalapur.