

Order below Exh. 112 in R.C.S.No. 04/2011

Present suit is filed for declaration and recovery of possession.

02. Present application is filed by defendant No. 6 to set aside an order of proceeding suit without his additional written statement dated 16/06/2017 passed below Exh. 1. He submits in brief that on account of reasons stated in the application; the above order may kindly be set aside.

03. So far as say given by plaintiffs is concerned; they submit in brief that the application is false and it has been filed with a view to delay the proceeding and therefore application may kindly be rejected.

04. Heard both sides at length. Perused the record and roznama. It seems that, no sufficient grounds are shown to set aside an order dated 16/06/2017. However, considering nature of dispute with a view to dispose of the suit on merit; the said order needs to be set aside. However, costs of Rs. 200/- needs to be imposed upon the said defendant. In the result; I proceed to pass following order :-

ORDER

1. Application stands allowed subject to costs of Rs. 200/- only.
2. An order of proceeding suit without additional written statement on behalf of defendant No. 6 dated 16/06/2017 passed below Exh. 1 is set aside.
3. Cost be given to plaintiffs on or before next date failing which order shall stand cancelled.

Sd/-

Date :- 27th September, 2017

(R.R.Kale)
Civil Judge (J.D.) Malvan.