



Regular Civil Suit No. 16/2019
Order Below EXH. 77

This is an application for setting aside no written statement order passed against defendant no. 1.

Perused the application and say. Heard Ld. Advocate for defendant no.1 and plaintiff.

On perusal of record it is seen that, the no written statement order is passed against Deft. no. 1 on 25.11.2019 i.e. more than 3 years from now. However now after 3 years the defendant no. 1 have filed the application for setting aside said order. The reason mentioned in the application that due to transfer of the defendant no. 1, he could not appear and file written statement is not justified and acceptable. Hence the same cannot be accepted. However giving opportunity to the defendant no. 1 to file written statement would not cause prejudice to the plaintiff. On the contrary it will assist the court in arriving in judicious decision and decide the matter on merit. Hence it would be appropriate to allow the application subject to appropriate cost. According I proceed to passed the following

ORDER

1. Application is allowed subject to cost of Rs. 1000/-
2. The cost amount shall be paid by Def. no. 1 to the plaintiff till the next date.
3. On payment of cost amount the no written statement order dtd.25.11.2019 passed against defendant no.1 be set-aside.

Sd/-***

(Y. P. Bavkar)
Judicial Magistrate (F.C.),
Dodamarg.

Place : Dodamarg.
Date : 02/02/2024.