

ORDER BELOW EXH.31 IN
REGULAR CIVIL SUIT NO.02/2020.

1. This application is filed by the defendant Nos. 1 and 2 to set aside order of hearing without their written statement and for permission to file their written statement. It is contention of these defendants that they have filed undertaking on record and due to lock down, they could not appear in the court and failed to file written statement in time. Hence, considering these reasons and in the interest of justice to hear both parties on merits, it is necessary that order of hearing without written statement of defendant Nos. 1 and 2 be set aside.

2. The plaintiff has filed his say & objected the application on ground that ample opportunity is given to defendants and thus prayed for rejection of the application.

3. I heard the learned advocate for the plaintiff and defendant Nos. 1 and 2.

4. On perusal of the application, it reveals that, reasons stated in the application for not appearing and delay for filing the written statement within time, appears to be proper and justifiable. Therefore, in the interest of justice & for deciding real dispute between the parties, order of hearing the suit without written statement of defendant Nos. 1 and 2 deserves to be set aside and the defendant Nos. 1 and 2 are required to be permitted to file their written statement. In the result, I pass following order.

ORDER

1. Application is allowed.
2. Order of hearing the suit without the written statement of defendant Nos. 1 and 2 is set aside.

Place- Miraj
Date-17.07.2020.

(Nilesh M. Wali)
Jt.C.J.J.D., Miraj.

I affirm that, the contents of this P.D.F. file Judgment are same, word to word, as per the original Judgment.

Name of the Stenographer	: S. P. Pethkar.
Court	: J.M.F.C., Miraj.
Judgment signed by the Presiding Officer on	: 17/07/2020.
Judgment uploaded on	: 20/07/2020.