

ORDER BELOW EXH.41 IN
REGULAR CIVIL SUIT NO.292/2016.

1. This application is filed by the defendant No.1 to set aside order of hearing without his written statement and for permission to file his written statement. It is contention of defendant No.1 that plaintiff failed to give documents which is filed by him along with list at Exh. 3 and 20 and thus he 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 No.1 be set aside.

2. The plaintiff has filed his say & objected the application on ground that reasons stated in the application are not proper. Defendant No.1 taken ample opportunity, though failed to file written statement within time. Reasons are not satisfactory and thus prayed for rejection of the application.

3. Today plaintiff, defendant and their respective advocates are absent, though called out repeatedly. Hence application proceeded without argument of both sides.

4. On perusal of the application, it reveals that, reasons stated in the application for 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 No.1 deserves to be set aside and the defendant No.1 is required to be permitted to file his written statement but subject to costs of Rs.200/- to plaintiff. In the result, I pass following order.

ORDER

1. Application is allowed.
2. Order of hearing the suit without the written statement of defendant No.1 is set aside subject to payment of costs of Rs.200/- (Rs. Two Hundred only) to plaintiff as condition precedent.
3. Payment of cost of Rs.200/- to plaintiff till next date is condition precedent, otherwise suit will be heard without written statement of defendant.

Place- Miraj
Date-19.11.2019.

(N.M.Wali)
Jt.Civil Judge, Jr.Dn., Miraj.

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

Name of the Stenographer : S. P. Pethkar.
Court : Jt.C.J.J.D. & J.M.F.C., Miraj.
Judgment/Order signed by
the Presiding Officer on : 19/11/2019.
Judgment/Order uploaded on : 22/11/2019.