

RCS No. 46/2018
(Tanaji Patil Vs. Sambhaji Patil)
(CNR No. MHSN070003232018)

ORDER BELOW EXH. 13
(Passed on 30th March, 2019)

Perused application, affidavit filed by defendant No. 2 Sukhdev Patil and reply filed to the application on behalf of the plaintiff. Heard learned Advocates for both the sides.

2. Suit summons was served upon the defendants on 13.08.2018. They were appeared before the court through their advocate on 19.09.2018 and sought time to file their written statement. However, they failed to file their written statement within prescribed period. Hence, this application is filed on ground that, the date of hearing of the suit was mistakenly taken by the defendants. It is seen from the record that, defendants ought to have filed their written statement on or before 13.11.2018 considering the extended period of 90 days. However, this application is filed on 14.12.2018 i.e. after delay of 1 month. The suit is filed for possession of the encroached area against the defendants. Defendants have filed their written statement alongwith the present application to defend the suit on merits. Considering the nature of the suit, it would be proper to permit the defendants to contest the suit on merits. It would help this court to decide real question in controversy between the parties on merits. Therefore, this application deserves to be allowed. Hence, I pass following order :-

ORDER

1. Application below Exh. 13 is allowed in the interest of

justice.

2. Written statement annexed herewith be read and recorded.

Date :- 30.03.2019
K'Mahankal.

Sd/-
(Pravin R. Navale)
Civil Judge Junior Division
K'Mahankal.