

Order below Exh.76 in R.C.S. No.139/2021

CNRNO-MHSN090009442021.

(Abhishek Popat Kadam V/s. Kumar Kashinath Kadam and ors.)

Present application is filed by defendant no.01 for setting aside no 'written statement' order passed against him.

2. By filing present application it is submitted by the defendant No.01 that, he appeared in the present matter but, due to pandemic situation of Covid-19 the old document related to present matter could not be made available to him. Therefore he could not file his 'written statement' within stipulated period. Therefore he has filed present application for setting aside no 'written statement' order. It is further submitted that, if an opportunity of filing 'written statement' is not given to him then he will suffer irreparable loss on the other hand if opportunity of filing 'Written Statement' is given to him then plaintiffs will not suffer irreparable loss or it will not cause any adverse effect. Therefore no 'written statement' order passed against him may be set aside.

3. The learned advocate of plaintiffs filed his say and submitted that, the contents of application are false. The defendant No.01 intentionally made delay to file the 'written statement' Therefore application may be rejected. In the alternatively it is prayed that, if court comes to the conclusion to allow the application then the application may be allowed by imposing heavy costs.

4. Heard both sides. Perused record. The record shows

that, present suit is filed by plaintiffs for partition, separate possession and for perpetual injunction Wherein the defendant No.01 is appeared but even though sufficient opportunity is given he did not file his 'written statement' therefore on 02/03/2022 no 'written statement' order is passed against him. It is the contention of defendant No.01 that, due pandemic situation of Covid-19 he could not get some importation documents related to suit properties. Therefore he could not furnish his 'written statement' Considering the contention of defendant No. 01 and the nature of suit it is necessary to give an opportunity to the defendant No.01 to file 'written statement' in the present matter. If opportunity of filing 'written statement' is given to the defendant No.01 it will not cause any prejudice or adverse effect to the plaintiffs. Moreover it will help to adjudicated the suit on merit. Hence, I proceeded to pass following order.

ORDER

1. Application is allowed.
2. No 'written statement' order passed against defendant No.01 dated 02/03/2022 is hereby set-aside.
3. No order as to costs.

TASGAON.
Date : 08.06.2022

(Omprakash M.Mali)
Civil Judge Jr.Dn., **TASGAON.**

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

Name of the Stenographer	:	Abhay A Randive.
Court	:	Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	08.06.2022
Order signed by the Presiding officer on	:	08.06.2022
Order uploaded on	:	09.06.2022