

Order below Exh.78 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 nos.04 to 06, 08, 12, 18 and 19 for setting aside no 'written statement' order passed against them.

2. By filing present application it is submitted by the defendants that, they appeared in the present matter on 17/09/2021. Thereafter they applied for getting old documents related to present matter to revenue authority but those documents could not be made available to them. Therefore they could not file their 'written statement' within stipulated period. Therefore they have 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 them then they will suffer irreparable loss on the other hand if opportunity of filing 'Written Statement' is given to them then plaintiffs will not suffer irreparable loss or it will not cause any adverse effect. Therefore no 'written statement' order passed against them may be set aside.

3. The learned advocate of plaintiffs filed his say and submitted that, the contents of application are false. The defendants 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 present defendants appeared but even though sufficient opportunity is given they did not file their 'written statement' therefore on 02/03/2022 no 'written statement' order is passed against them. It is the contention of defendants that, some importation documents related to suit properties were not available to them by revenue authority. Therefore they could not furnish their 'written statement' within the stipulated period. Considering the contention of defendants and the nature of suit it is necessary to give an opportunity to the defendants to file 'written statement' in the present matter. If opportunity of filing 'written statement' is given to the defendants it will not cause any prejudice or adverse effect to the plaintiffs. At the time of allowing the present application it is to be taken in to consideration that, the defendants have made delay to file the present application the said delay has to be condone by saddling costs on them. Hence, I proceeded to pass following order.

ORDER

1. Application is allowed.
2. No 'written statement' order passed against defendant no.04 to 06, 08, 12, 18 and 19 dated 02/03/2022 is hereby set-aside subject to costs of Rs. 500/- (Rs. Five Hundred Only).
3. Amount of costs be credited to the Government.

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