

MHSN090009442021



Order below Exh.102 in R.C.S. No.139/2021

**[Abhishek Popat Kadam V/s. Kumar Kashinath Kadam and ors.]**

Present application is filed by defendant no.13 and 14 for setting aside no 'written statement' order passed against them.

2. By filing present application it is submitted by the defendants that, the plaintiff has filed present suit for partition and perpetual injunction, wherein they appeared in the present matter, but they could not get required documents to filed written-statement, within stipulated period. Therefore, no written-statement order was came to be passed against them. Now, by filing present application they submitted that the said order may be set aside. 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 him then it will not cause any prejudice to the plaintiffs. 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 have intentionally made delay to file the 'written statement'. No sufficient cause is shown. 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 and perpetual injunction. Wherein the defendant No.13 and 14 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. Considering the contents of application and the nature of suit it is necessary to give an opportunity to the defendant No.13 and 14 to file 'written statement' in the present matter. If opportunity of filing 'written statement' is given to the defendant No.13 and 14 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 subject to costs of Rs.200/- (Rs.Two Hundred).
2. No 'written statement' order passed against defendant No.13 and 14 dated 02/03/2022 is hereby set-aside.
3. Amount of costs be credited to the Government.

**TASGAON.**  
Date : 28.08.2023

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

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	:	U.PPatil
Court	:	Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	28.08.2023
Judgment/Order signed by the Presiding officer on	:	28.08.2023
Judgment/Order uploaded on	:	28.08.2023