

MHSN090009442021



Order below Exh.97 in R.C.S. No.139/2021

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

The present application is filed by defendant no.7 and 9 for condonation of delay for filing written-statement and for setting aside ex-parte order passed against them.

2. By filing present application it is submitted by the defendants that, the summons is duly served to present defendants on 16.06.2022, but as the defendant no.7 and 9 were residing out of town for the purpose of their work, they could not appear in the present matter and file their written-statement. Therefore, by condoning delay opportunity may be given to them to file their written-statement and to set aside exparte order passed against them.

3. On the other hand the Ld.Advocate for the plaintiffs filed his say and denied the contents of the application. He submitted that the the reasons mentioned in the application are not satisfactory, therefore, application may be rejected. In the alternatively, it is prayed that if Court comes to the conclusion to allow the present application then the application may be allowed by imposing heavy costs.

4. After hearing both the sides, I have gone through the record. After perusal of record it is seen that, the present suit is filed for fixation of boundaries and for perpetual injunction. The record shows that the suit summons is duly served to defendant no.7 and 9, but they did not appear. After perusal of record it is seen that, through oversight exparte order is not came to be passed against defendant no.7 and 9. Admittedly there is a delay to file written-statement which can be condoned considering the reasons mentioned in the application as well as the nature of suit. Hence, I proceed to pass following order.

ORDER

1. Application is partly allowed.
2. Delay for filing written-statement of defendant no.7 and 9 is hereby condoned subject to costs of Rs.200/- (Rs.Two Hundred).
3. The 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