

Regular Civil Suit No. 352/2012.
(Order below Exh. 53)

(1). Read application and say.

(2). This application is filed by defendant nos. 1 and 2 for setting aside an order of no written statement to amended plaint. According to them, for want of some old and important information and documents, they were unable to file their written statement to amended plaint within time. Hence, the application.

(3). This application is resisted by the advocate for plaintiff by filing his say at Exh. 55. According to him, the defendants have already filed their written statement, therefore, they have knowledge about the subject matter. Therefore, there is no sufficient and proper reason to set aside an order of no written statement to amended plaint. Hence, he prayed to reject the application.

(4). This application is supported with an affidavit of defendant no. 2 Vivekanand Jaysing Pawar. Suit is filed for cancellation of sale deed and for permanent injunction. No man shall be condemned unheard is the basic principle of law. Considering the nature of suit and grounds raised in this application, I think it is necessary to allow defendant nos. 1 and 2 to file written statement to amended plaint. Hence, I pass the following order.

ORDER

1. Application is allowed. Delay caused to file written statement to amended plaint is condoned and no written statement order to amended plaint (deemed) passed against defendant nos. 1 and 2 is set aside subject to costs of Rs.250/-. Payable by them to plaintiffs.
2. Defendant nos. 1 and 2 are permitted to file their written statement to amended plaint.

TASGAON.
Date : 28th April 2017

Sd/-xxx
(A.A. Chendke)
CIVIL JUDGE, JR. DN., TASGAON.