

Order below Exh.37 in R.C.S.No.118/2020

[Madhukar Shamrao Chavan v/s. Maruti Shamrao Chavan & Ors.]

[CNR-MHSN090010372020]

The present application is filed by defendant no.1 to 4 for setting aside No.W.S. and No.Say order passed against them.

2. By filing present application it is submitted by the defendants that, the plaintiff has filed present suit for partition, separate possession, declaration and injunction. Due to pandemic situation of Covid-19, they didn't get required documents, therefore, they could not file their written statement within the prescribed time of limitation. Therefore, the Court has passed No.W.S. and No.Say order on 1310.2021. It is necessary to set aside said order and to give permission to the defendants to file their written statement. If, the said order is set aside it will not cause any prejudice to the plaintiff. Therefore, considering the nature of the suit No.W.S. and No Say order passed against them may be set aside.

3. On the other hand the Ld.Advocate for the plaintiff filed his say and submitted that, the contents of the application are false. He further submitted that, the defendants intentionally did not file their written statement within the prescribed period of limitation. Hence, application may be rejected. The Ld. Advocate for the plaintiff alternatively prayed that if court comes to the conclusion to allow the present application the application may be allowed by imposing heavy costs.

4. Heard both sides. Perused record. After perusal of record it is seen that, the present suit is filed for partition, separate possession, declaration and injunction. The record shows that No.W.S. order passed against the present defendants on 13.10.2021. Therefore, considering the nature of suit and the pandemic situation of Covid-19, I am of the opinion that, it is necessary to give an opportunity to the defendants to file their written statement in order to contest the suit and for that purpose it is necessary to allow the present application. Hence, considering these reasons, I proceed to pass following order.

ORDER

1. Application is allowed.
2. No.W.S. and No Say order passed against defendant no.1 to 4 dated 13.10.2021 is hereby set aside
3. No order as to costs.

Sd/-25.01.22

TASGAON.
Date : 25.01.2022

(Omprakash M.Mali)
Joint 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	:	U.P.Patil
Court	:	Jt.Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	25.01.2022
Order signed by the Presiding officer on	:	25.01.2022
Order uploaded on	:	25.01.2022