

**ORDER BELOW EXH. 49 IN R.C.S.NO. 112/2017**

(Passed On: 06/04/2018)

1] Perused the application and say. Heard both the sides at considerable length. The defendant no.6 and 11 through this application prayed to set aside the order of no written statement passed against them. As per their contention they failed to collect relevant document within stipulated period. The defendant no.11 is old aged person. Therefore, they failed to file written statement.

2] Per contra, the plaintiff strongly opposed the application on the count that the reason submitted is not cogent. Only in order to prolong the matter the said defendants avoided to file written statement.

3] On perusal of record it transpires that the said defendants appeared on 18.11.2017 and the order of no written statement is passed on 13.03.2018. It cannot be ignored that the present suit is for seeking the relief of partition. Valuable rights of both the parties are involved in the suit. Hence, considering the reason submitted by said defendants and in the interest of justice chance to defend needs to be given to them. Hence, for the said reason I proceed to pass the following order:-

**ORDER**

- 1] Application exh. 49 is allowed subject to cost of Rs. 500/- (Rs. Five Hundred Only).
- 2] The order of no written statement passed against defendant no. 6 and 11 is set aside.
- 3] The defendant no. 6 and 11 shall pay the cost to plaintiff.

Date: 06.04.2018

( R.A.Shinde )  
Jt. Civil Judge Senior Division, Pandharpur

**CERTIFICATE**

*I affirm that, the contents of this PDF file order are same word to word, as per the original order.*

*Name of Stenographer : A.K. Vibhute*

*Court : Jt.Civil Judge Senior Division  
Pandharpur*

*Date : 06.04.2018*

*Order signed by the  
Presiding Officer on : 06.04.2018*

*Order uploaded on : 10.04.2018*