

ORDER BELOW EXH 53 IN SPL.C.S.NO. 38/2017

1] The defendant no.1 to 4 through this application prayed to set aside the order of no written statement passed against them.

2] It is the contention of the defendant no.1 to 4 that they are the representative of state government and due to heavy work load they failed to instruct the counsel and consequently failed to file written statement within stipulated period. Therefore, the order of no written statement is passed. As per their contention the said delay is not deliberate and therefore they be permitted to file written statement by setting aside the order of no written statement.

3] Per contra, the plaintiff strongly opposed the application on the count that the order of no written statement is passed on 23.02.2018 and thereafter the court ordered defendant no.1 to 4 to maintain status-quo with regard to suit land. In spite of that the defendant no.1 to 4 not appeared before the court and by breaching the said order allotted the portion out of the suit land to third person by mentioning false four boundaries. The act of defendant no.1 to 4 is deliberate. On this count he prayed to reject the application.

4] Heard both the sides at considerable length. Perused the record. It appears that the plaintiff has filed present suit seeking the relief of perpetual injunction. Valuable rights of both the parties are involved in it. Therefore, in the interest of justice chance to be defend needs to be given. Hence, considering the reason submitted by defendants and in the interest of justice I proceed to pass the following order.

ORDER

1. Application Exh. 53 is allowed subject to cost of Rs.1,000/- (Rs. One Thousand only).
2. The order of no written statement passed against defendant no.1 to 4 is set aside.
3. The defendant no.1 to 4 shall pay the cost to plaintiff.

(R.A. Shinde)

Date- 05.12.2018

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.

<i>Name of Stenographer</i>	:	<i>A.K. Vibhute.</i>
<i>Court</i>	:	<i>Jt. Civil Judge Senior Division Pandharpur</i>
<i>Date</i>	:	<i>05.12.2018</i>
<i>Order signed by the Presiding Officer on</i>	:	<i>05.12.2018</i>
<i>Order uploaded on</i>	:	<i>07.12.2018</i>