

R. C. S. NO.353/2020
IA No.02/2021
Balasaheb and Others Vs.
Sachin and other

ORDER BELOW EXH.25
(Passed on 13.10.2021)

Defendant No.1 to 5 have filed present application for setting aside no written statement order passed by this Court below Exh.01 as on 02.03.2021. It is the contention of the defendants that, defendants could not collected relevant documents for preparing their written statement and delay caused. The delay caused is not intentional, the valuable rights of the defendants are involved in the suit. Hence, they are prayed to allow the application.

2] Plaintiffs by filing their say have strongly opposed to present application and submitted that, reasons stated in application is not just and proper. Summons is duly served to the defendants as on 09.11.2020. They have appeared in the present matter but failed to file their written statement within stipulated time. Defendants have intentionally not filed their written statement in the present suit. Hence, plaintiffs prayed to reject the application.

3] Considering the rival contention of both the sides. So also, I have gone through record of case in hand, from it

appears that, summons is duly served to the defendants as on 09.11.2020 and they have appeared in the present suit as on 10.11.2020. The present application is made by the defendants as on 05.04.2021 after laps of six months. The reason stated in the application is not just and proper, but, the suit is filed for perpetual injunction. The valuable rights of the defendants are involved in the present suit. Therefore, to decide the suit on merit opportunity is required to be given to the defendants. Hence, the following order

ORDER

- 1] Application is allowed.
- 2] Order passed below Exh.01 dated 02.03.2021 is hereby set aside subject to costs of Rs.900/ to pay other side.
- c) Defendant No.1 and 5 are permitted to file their written statement in the present suit subject to payment of costs.

Date:- 13/10/2021

(A. P. Karad.)
Jt. Civil Judge, J.D.
Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

a	Name of the Stenographer	:	Shri. R.M.Gogi
b	Court	:	Jt. C.J.J.D.& J.M.F.C., Pandharpur.
c.	Date of Order	:	13.10..2021.
d.	Signed by P.O. on	:	13.10.2021.
e.	Uploaded on	:	13.10.2021.