

ORDER BELOW EXHIBIT NO.16
(PASSED ON 12th NOVEMBER, 2018)

1. This is an application filed by defendant no. 1 as the present defendant not filed his written statement within prescribed period. Present defendants filed this application on the ground that he is residing in Mhada tahsil and he is unable to collect necessary documents and relevant information. Therefore, he failed to file written statement within the time stipulated by law. But, now present defendant really wants to contest the suit. Along with this application he filed his written statement.

2. The application is resisted by the plaintiff by filing his say on the overleaf of said application. Plaintiff stated that the application is false one. The grounds mentioned in the application are also false and not acceptable by the plaintiff. Plaintiff further stated that this application is filed by the defendants to prolong the hearing of present suit. Plaintiff prayed for rejection of present application and in alternate claimed cost of Rs. 100/- per day.

3. Heard both learned advocates appearing for rival parties.

4. The points for determination along with my findings thereon are as follows.

<u>SR.NO.</u>	<u>POINTS</u>	<u>FINDINGS.</u>
[i]	Whether there is a sufficient cause for the defendant no. 1 for not filing the written statement within prescribed period ?	Yes.

[ii] What order ? Application is allowed.

REASONS

AS TO POINT NO.1 :

5. This is a suit for enforcement of preferential right to purchase the suit property bearing gat no. 65/1 situated at village-Kanhapuri, Taluka- Pandharpur. The subject matter of this suit is immovable property. Therefore, liberal view have to be taken while considering this application. The reasons assigned appears to be satisfactory as without instructions and relevant documents it was not possible to file written statement. Therefore, in my view, it will be in the interest of justice to grant an opportunity to the present defendants to contest the suit by filing their written statement.

6. The present defendants served with the summons but failed to file their written statement. The present application is filed on 29-09-2018 along with written statement. Therefore, plaintiff has to be compensated for the delay caused. Hence, the point no. 1 is answered in the 'affirmative' and in response to point no. 2, I proceed to pass the following order.

ORDER

1. The application exhibit no.16 is allowed subject to payment of costs of Rs. 250/- (in words rupees two hundred fifty only) to be paid by defendant no.1 to the plaintiff on or before next date, failing which the application shall automatically stands rejected without further reference.

2. Time for filling written statement by defendant no.1 is extended.
3. Written statement filed by the defendant no.1 be taken on record after payment of costs.

12th November, 2018.

Sd/-
(D. U. Rajput)
4th Jt. Civil Judge, Junior Division,
Pandharpur.

CERTIFICATE

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

- a) Name of the Stenographer :Sadafule M. P. Steno(LG)
- b) Court :4th Jt.C.J.J.D., Pandharpur.
- c) Order signed by P.O. on :12th November, 2018.
- d) Order uploaded on :16th November, 2018.