

ORDER BELOW EXH.26 IN R. C. S. No.298/2019
CNR No. MHSO070003612019
(Passed on 08.11.2021)

Defendant no. 1 & 2 have filed present application to set aside no written statement order passed against defendant below Exh.01 as on 16.01.2020. It is the contention of the defendants that, due to preventive situation of communicable disease covid-19 defendant no. 2 failed to appear and defendant no. 1 could not file written statement as required documents were not available. The valuable rights of defendants are involved in the present suit. Therefore, defendants prayed to allow the application.

2] Plaintiffs have strongly opposed the present application by filing their say. They have submitted that, reasons stated in application are false and not just and proper. They also submitted that, the delay is not properly explained and it shows the negligence of the defendants. The present application filed by the defendants only to prolong the trial of suit. Hence, they are 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

20.09.2019. The reason stated in the application is not just and proper, because during the period court was functioning regularly. This suit is filed for partition in respect of immovable properties. Therefore, considering the nature of claim the opportunity is required to be given to the defendants by following of principle of natural justice and to avoid multiplicity of proceeding. Therefore, considering the nature of suit, I proceed to pass following order.

ORDER

- 1] Application is allowed.
- 2] No written statement order passed against defendants as on 16.01.2020 below Exh.1 is hereby set aside subject to costs of Rs. 400/- to pay plaintiffs.
- 3] Defendants are permitted to file their written statement in the present suit on payment of cost.

Date:- 08/11/2021

(Smt. S. S. Kharoshe)
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	:	M. P. Gheradi
b	Court	:	Jt. C.J.J.D.& J.M.F.C., Pandharpur.
c	Date of Judgment	:	08.11.2021
d	Judgment uploaded on	:	09.11.2021.