

ORDER BELOW EXH. 54 IN R. C. S. No.342/2018**CNR No.MHSO070004302018****(Passed on 04-01-2020)**

Defendants Nos.10 has filed present application for setting aside no written statement order passed against him on 11.11.2019 below Exh.01. It is his submission that, he is patient of diabetes and blood pressure. Therefore, he could not present in the court and also was unable to give necessary information, documents to his advocate. He has also failed to file his written statement within stipulated time. The present application is also filed by him within limitation. Therefore, to decide the suit on merit an opportunity should be given to him to protect his rights. Therefore, he prayed to allow the application.

2] Plaintiff by filing her say below the application and has strongly opposed to present application and submitted that, reasons stated in application is not just and proper. Delay is not properly explained. Defendant has not produced any document in support of his contention. If court allowed the application that time heavy costs may kindly be imposed upon the defendant No.10.

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

that, present suit is filed for partition and separate possession. Defendant No.10 has appeared in the present case on 10.10.2019. But failed to file his written statement within stipulated time therefore, as on 11.11.2019 court has passed no written statement order against the defendant no.10. The reason stated in the application is not just and proper. But the original suit is filed for partition and separate possession against the present defendant and he is intend to contest the suit by filing his written statement. Therefore, to deciding the real controversy between the parties, so also to decide fact in issues on merit by giving an opportunity is required to be given to the defendant, therefore, by following principal of natural justice, I proceed to pass following order -

ORDER

- 1] Application is allowed.
- 2] No written statement order passed below Exh. 1 on 11.11.2019 is hereby set aside against defendant Nos.10 subject to costs of Rs.300/- to pay other side.
- 3] Defendants No.10 is permitted to file his written statement in the present suit.

Date:- 04/01/2020

(**A. P. Karad**)
2nd Jt. Civil Judge, J.D.
Pandharpur

C E R T I F I C A T E

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. M.R. Konda
b	Court	:	2 nd Jt. C.J.J.D.& J.M.F.C., Pandharpur.
c	Judgment signed by P.O. On	:	04.01.2020.
d	Judgment uploaded on	:	15.01.2020.