

Kondabai V/s. Prabhu.

Order Below Exh. No. 84.

(Dated 12.12.2018)

01 Present application filed by defendant No. 7 for setting aside the no written statement order passed against her. According to defendant No. 7, inadvertently, she could not file written statement on record in time. Therefore, defendant No. 7 prayed for setting aside the no written statement order passed against her and to allow to file written statement on record.

02 Say of plaintiff was called for. The plaintiff has filed his say and stated that, the contents of the application are entirely false. According to plaintiff, the application under reply is without any substance and prayed for rejection of it.

03 Heard learned Advocate for both side.

04 Perused record and documents filed on record in the light of argument advanced. On perusal of the record, it is noticed that, in spite of availing sufficient opportunity defendant No. 7 has not filed written statement on record. On perusal of the record, it is noticed that, the no written statement order came to be passed against defendant No. 7 on 01.11.2018, and the defendant No. 7 has filed present application on 29.11.2018, for setting aside the no written statement order. It appears that, the defendant No. 7 was not diligent in filing the written statement on record. The defendant No. 7 has not given the satisfactory explanation regarding the delay being caused. Further, on perusal of the

record, it is noticed that, today, matter is fixed for evidence of defendant on record. At this stage defendant No. 7 has filed present application for permission to file written statement on record.

05 Further, on perusal of the record, it is noticed that, the present suit is for partition and separate possession of the suit property. The valuable rights of the parties are involved in the suit. In such circumstances, for deciding the suit on merit, the opportunity has to be given to the defendant No. 7 to defend the suit. If any such opportunity is provided to defendants, then, in my opinion, no any prejudice would be caused to plaintiff. Considering all these, I proceed to pass the following order :-

::ORDER ::

- 01** Application vide Exh. No. 84 is allowed, and the no written statement order, dated 01.11.2018, passed below Exh. No. 1, is set aside and written statement filed by defendant No. 7 is taken on record, subject to cost of Rs.500/- (in words Rs. Five Hundred only), payable to plaintiff.
- 02** Defendant No. 7 is hereby directed to pay the cost to the plaintiff on or before next date, otherwise, said order would be vacated automatically.
- 03** Cost in cause.

Date :12-12-2018.

(S.S. Aradwad)
Jt. Civil Judge Junior Division,
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.

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| a | Name of the Stenographer | : | Shri. P.T. Jadhav |
| b | Court | : | Jt. C.J.J.D.& J.M.F.C.,
Pandharpur. |
| c | Date of Order | : | 12-12-2018. |
| d | Order signed by P.O. on | : | 12-12-2018. |
| e | Order uploaded on | : | 12-12-2018. |