

ORDER BELOW EXH.25 IN SPL.C.S. NO.59/2020
(Pushpa Mohite Vs. Yashwant Prasad Education etc)

Defendant no.2 has filed this application to set aside no W.S. order and grant him permission to file written statement. Succinctly, he has submitted that suit summons was served on him on 07/04/2022. But, thereafter there was summer vacation to the Courts. He is permanent resident of Solapur. He is a senior citizen aged 78 years. Further, he requires regular medication. Therefore, till today he could not file his W.S. within time. Hence, no W.S. order has been passed against him. With such submissions, he has prayed to allow the application.

2) On behalf of the plaintiff her learned Counsel has filed his say below the application. Succinctly, he has submitted that necessary order may be passed for causing delay.

3) I have heard learned Counsel for defendant no.2. When called their learned Counsel for the plaintiff is absent. I have perused the record of the case. In my considered opinion taking into account facts and circumstances, it is just and proper to grant permission to defendant no.2 to file his written statement. Further, even if such permission is granted the plaintiff will get an opportunity to contest the claim of defendant no.2 & no prejudice will be caused to him. Further, the matter will be decided on

merits. Delay if any can be compensated. Hence, I pass following order.

: ORDER :

Permission is granted to defendant no.2 to file his written statement subject to payment of cost of Rs.500/- to the plaintiff till next date.

Date : 17/12/2022

(A. P. Khanorkar)
Jt. Civil Judge, Sr. Div., Barshi.

CERTIFICATE

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

- a) Name of the Stenographer : R.P. Sakinal, Steno. Grade-2
- b) Court : Jt. CJSD and ACJM Court,
Barshi.
- c) Date of Judgment/Order : 17.12.2022
- d) Judgment/Order signed by
the Presiding Officer on : 17.12.2022
- e) Judgment/Order uploaded on : 17.12.2022