

ORDER BELOW EXHIBIT-549 IN R.C.S.No.442 of 1978

Defendant No.4 and 5 have filed the present application to set aside no written statement.

2. It is asserted by them that due to non availability of old and relevant documents they could not file their written statement within time. Therefore no written statement order was passed against them. There is delay in filing the written statement. Defendants have not intentionally prolonged the filing of written statement. Hence prayed for condoning the delay and setting aside no written statement order passed against them.

3. Plaintiff filed say and objected the said application and stated that defendants have intentionally prolonged the filing of the written statement. The reason mentioned in application is false. Due to which prayed that the application be rejected if allowed cost of Rs.5,000/- be imposed on them.

4. Perused the record and proceeding. There is delay in filing written statement. Defendants have stated that due to old and relevant documents there was delay in filing the written statement. In this circumstances, defendants must be given an opportunity to submit the written statement subject to reasonable cost towards the delay caused by them. Considering the above facts, I pass the following order :

ORDER

1. Application is allowed.
2. No written statement order passed is hereby set aside, defendants are permitted to file their written statement on record subject to cost of Rs.500/- be given to the plaintiff.

Date : 03.07.2019.

(J. A. Zari)
Jt. Civil Judge (J.D.), Barshi.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same word to word as per original Order.

Name of Stenographer : A.S.Magnur.

Court Name : J.A.Zari,
Jt.C.J.J.D.& J.M.F.C. Barshi.

Date : 03.07.2019.

Order signed by the
presiding officer on : 03.07.2019.

Order uploaded on : 03.07.2019.