

ORDER BELOW EXHIBIT- 127 IN R.C.S.No.664 of 2002

Defendant No.7 has filed the present application to set aside no written statement order dated 14.10.2016.

2. It is asserted that the plaintiff after adding him has not given the copies of the documents to him and hence, he could not submit his written statement within time. Due to which, no written statement order was passed against him. An opportunity needs to be given to him in the interest of justice to contest the suit. Hence, the application.

3. Plaintiff has filed the say and opposed the application contending that the reason is not legal and proper. He has provided the relevant documents. He has, therefore, prayed for rejecting the application. Alternatively, plaintiff has prayed for awarding costs of Rs.5,000/- to him while allowing the application.

4. Perused the record and proceeding. It is seen that the summons were served upon him on 08.06.2016. No written statement order was passed on 14.10.2016. Present application was filed by him on 24.11.2016. Thus, the application was filed after a period of 05 months from the date of service of summons. However, it may be noted here that the suit has not proceeded further and that the suit is at initial stage. Considered thus, an opportunity to contest the suit can be given to him by imposing costs. Hence, the application is allowed. No written statement order dated 14.10.2016 is set aside and he is permitted to submit his written statement subject to costs of Rs.300/- to be paid to the plaintiff on or before next date.

Date : 19.12.2016

(S.K. Khan)
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 : Bhaskar G.B.

Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi

Date : 19.12.2016

Order signed by the
presiding officer on : 19.12.2016

Order uploaded on : 20.12.2016