

ORDER BELOW EXHIBIT-136 IN R.C.S.No.664 of 2002

Defendant No.7 has filed the present application to set aside no written statement orders dated 14.10.2016 & 01.03.2017 passed below Exhibit-1.

2. It is asserted that the plaintiff has not provided the copies of the documents filed along-with the suit to him. Hence he was not able to prepare his written statement. Due to which delay has been caused. Hence, no written statement order was passed against him on 14.10.2016. Thereafter, he has filed an application (Exh.127) to set aside the said order. Said application was allowed by an order dated 19.12.2016 subject to cost of Rs.300/- to be paid to the plaintiff on or before next date. He had not paid the cost as he was ill. Thereafter, order dated 01.03.2017 below Exhibit-1 was passed and the position prevailing before 19.12.2016 was restored. It is necessary for him to contest the suit by filing the written statement. If his written statement is not accepted, he would suffer irreparable loss. Hence, the application.

3. Plaintiff has filed the say and opposed the application contending that the application is false. He has not paid the cost imposed on him vide order passed below Exh.127. Ultimately, he has prayed for rejecting the application. Alternatively, he has prayed for awarding costs of Rs.3500/- to him while allowing the application.

4. Perused the record and proceeding. It is seen that by an order dated 19.12.2016 passed below application (Exh.127),

defendant No.7 was directed to pay the costs of Rs.300/- to the plaintiff. He has failed to pay the cost and hence the condition prevailing before 19.12.2016 was restored by an order dated 01.03.2017 passed below Exhibit-1. It is seen that this court has given an opportunity to him to contest the suit by imposing costs of Rs.300/-. It is further seen that he has wasted 9 months from 19.12.2016 to file the present application. In the circumstances and in view of the reasons mentioned in the order dated 19.12.2016 passed below application (Exh.127), above noted orders are required to be set aside by imposing further costs. Hence, the application is allowed. No written statement orders dated 14.10.2016 & 01.03.2017 are set aside subject to costs of Rs.300/- plus 900/- total Rs.1200/- to be paid to the plaintiff on or before next date.

Date : 14.11.2017

(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 :

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

Date : 14.11.2017

Order signed by the
presiding officer on : 14.11.2017

Order uploaded on : 14.11.2017

