

ORDER BELOW EXHIBIT-13 IN R.C.S.No.16 of 2018

Defendant Nos. 1 to 4 have filed the present application to set aside no written statement order dated 18.07.2018.

2. It is asserted that defendant No.1 was busy in agricultural work. Husband of defendant No.2 has died and since then she is ill. Defendant No.3 is suffering from 'Asthma'. Defendant No.4 is 82 years old woman. She is unable to walk. Hence, they were not able to submit their written statement within time. Meanwhile, court has passed no written statement order against them. They are submitting their written statement along with the present application. Same be accepted. Else, they would suffer irreparable loss. Hence, the application.

3. Plaintiffs have filed the say and opposed the application contending that the application is false. Reason given is not correct and appropriate. Ultimately, they have prayed for rejecting the application. Alternatively, they have prayed for awarding costs of Rs. 1500/- to them while allowing the application.

4. Perused the record and proceeding. It is seen that summons were served to them on 07.02.2018. No written statement order was passed on 18.07.2018. It is seen that the present application has been filed on 28.09.2018 after a period of 07 months & 21 days from the date of service of summons. Suit has not proceeded much further. In the circumstances, an opportunity to submit the written statement can be given to them by imposing costs. Hence, the application is allowed. No written statement order passed against them is set aside and they are permitted to submit their written statement subject to costs of Rs.1000/- to be paid to the plaintiffs on or before next date.

Date : 30.10.2018

(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 : 30.10.2018.

Order signed by the
presiding officer on : 30.10.2018.

Order uploaded on : 30.10.2018.

