

ORDER BELOW EXH. NO. 24

Defendant no. 3 made this application for setting aside no say order passed on Exh. 18. Heard.

2. Defendant no. 3 submitted that the court passed no say order on last day. He prayed for giving of copy of the plaint but the plaintiff was not appearing. The court also repeatedly directed the plaintiff to supply copy but such order was not complied. Hence he could not file his say and there is delay in filing say. Hence this application.

3. The plaintiff objected stating that application is not true and legal. Reason is not correct. Defendant no. 3 deliberately delayed in filing say. He prayed for rejection of the application and alternatively for costs.

4. Perused record of the case. The application at Exh. 18 is for transposition of party i.e. defendant no. 4 as plaintiff. Considering such nature of application it is necessary to give opportunity to defendant no. 3 to put up his objection on such application. For delay plaintiff can be compensated. Hence in the interests of justice and considering principle of natural justice. Following order:

ORDER

1. No say order at Exh. 18 against defendants no. 3 is set aside subject to payment of costs of Rs. 300/- by defendant no. 3 to the plaintiff.
2. In view of such order Exh. 18 be kept for hearing.

Date: 19.07.2019

(R. S. DHADAKE)
2nd Jt. Civil Judge, Junior Division,
Barshi, Dist. Solapur.

CERTIFICATE

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

- (a) Name of the Stenographer : S. V. Kokate
- (b) Court : Sou. R. S. Dhadake, 2nd Jt. C.J.J.D. & JMFC, Barshi.
- (c) Judgment/Order signed by P.O. on : 19/07/2019.
- (d) Judgment/Order uploaded on : 20/07/2019.