

MH50130007492005

**ORDER BELOW EXHIBIT-109**

Legal representatives of defendant no.4 prayed for giving them permission for filing adoption pursis for adopting the written statement filed by defendant no.4 by setting aside No W.S. order passed against them. They submitted that defendant no.4 was looking after the day to day affairs of the present suit. After her death, they are brought on record but they have not got certain documents by which the written statement remained to be filed on record. They want to adopt the written statement filed by defendant no.4. If present application would be allowed then no prejudice will cause to the plaintiff rather the dispute will be resolved on the merit.

02. The plaintiff strongly opposed the application. He mentioned that the legal representatives of defendant no.4 have not given proper reason for giving them the permission to file adoption pursis on record. Hence prayed for rejection of the application.

03. Heard both parties. The record shows that No W.S. order is passed against the legal representatives of defendant no.4 on 08/02/2021. The present application is filed on 02/01/2023. This application is filed after two years. The applicants only want to adopt the written statement filed by defendant no.4. They do not want to bring new facts on record. They are relying on previous written statement filed by defendant no.4. If they want to adopt the previous written statement then no prejudice will cause to the plaintiff if alleged application is allowed. There is delay for

this. Such delay can be compensated by imposing costs upon the legal representatives of defendant no.4. Hence, application Exh.109 is allowed subject to payment of costs of Rs.1,000/-(Rs. One Thousand only) to the plaintiff within 7 days from this order. Failure to pay costs, the present order will be vacated. After payment of costs, the adoption pursis be read and recorded. The costs is condition precedent.

Barshi.
Date : 14/08/2023.

(S.B. Vijaykar)
Jt. Civil Judge (J.D.),Barshi.

C E R T I F I C A T E

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.R. Barangule
(b)	Court	:	S.B.Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	14/08/2023
(d)	Judgment /Order uploaded on	:	19/08/2023