

ORDER BELOW EXHIBIT- 14 IN R.C.S.No. 1339 of 2014

Defendant Nos.1 & 2 have filed the present application to set aside no written statement order dated 23.07.2015.

2. It is asserted that they could not come out of their house due to long and continuous illness. Defendant No.2 could not walk without attendant. Hence, they could not submit their written statement within time. Due to which, no written statement order was passed against them. An opportunity needs to be given to them 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. She has, therefore, prayed for rejecting the application. Alternatively, plaintiff has prayed for awarding costs of Rs.1,000/- to her while allowing the application.

4. Perused the record and proceeding. It is seen that the summons were served upon them on 10.12.2014. They have appeared through advocate on 29.12.2014. No written statement order was passed on 23.7.2015. Present application was filed on 29.8.2016. Thus, the application was filed after a period of 20 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. Defendant Nos. 1 and 2 are senior citizens. Considered thus, an opportunity to contest the suit can be given to them by imposing costs. Hence, the application is allowed. No written statement order dated 23.07.2015 is set aside and they are

permitted to submit their written statement subject to costs of Rs.1000/- to be paid to the plaintiff on or before next date.

Date : 14.11.2016.

(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 : 14.11.2016

Order signed by the
presiding officer on : 14.11.2016

Order uploaded on : 14.11.2016