

ORDER BELOW EXH.25 OF RCS No.258/2015

1. The preset application has been filed by defendant no.3. Perused the application. It is submitted by defendant no.3 that due to non availability of necessary documents he failed to file his written statement in time. He further submitted that if his written statement has not been considered he will suffer irreparable loss. Lastly he prayed for allowing the application.
2. Ld. advocate for the plaintiff contested the application by filing her say at the overleaf of this application. She submitted that no justifiable reason for delay has been given by present defendant. Hence, application be rejected. Alternatively she prayed for allowing the application on heavy cost of Rs.2000/-.
3. The present suit is for perpetual injunction. Defendant no.3 is Block Development Officer Panchayat Samitee, Karmala. The present suit is going to decide rights of parties in perpetual manner. Therefore, for complete and final adjudication as well as to decide the suit on its true merits the written statement of this defendant is vital. Record shows that defendant no.3 has caused delay of at about 12 days.
4. As the suit cannot be decided without considering written statement of this defendant, no purpose will be served by rejecting this application. At the same time delay, caused by present defendant and lack of satisfactory reason must be saddle with cost. Hence, application deserved to be allowed only on imposing cost on present defendant. Hence, considering nature of suit and in the interest of justice, following order is passed.

ORDER

1. The application is allowed. No W.S. order passed against defendant no.3 is hereby set aside subject to cost of Rs.100/- payable to the present plaintiff, on or before next date.
2. The written statement of the defendant no.3 be taken on record only on complying cost amount.

Date: 06.04.2016

(Mahesh D. Joshi)
Jt.Civil Judge Junior Division, Karmala.

CERTIFICATE

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

- (a) Name of the Stenographer :- Gajanand L. Sutar
- (b) Court :- Jt. Civil Judge Jr. Div. & JMFC Court, Karmala
- (c) Order signed by P.O.on :- 06.04.2016
- (d) Order uploaded on :- 06.04.2016