

ORDER BELOW EXH.29

IN

R.C.S.No.328/2023

(CNR No.MHSO220048622023)

Perused the application and say.

2] Heard both the sides at considerable length.

3] The defendant Nos.1, 3 and 4 through this application prayed to set aside the order of ex parte dt.23.09.2021 and permission to file written statement is claimed. As per their contention due to residing out of station and to collect some documents, they could not file written statement within time.

4] The plaintiff has filed say to this application and contended that the reason in the application is false and not maintainable. It is further contended that this application is filed after two years from the date of ex-parte order passed. The defendants appeared after transfer notice. Therefore, the application be rejected. If application allowed costs of Rs.5000/- be imposed.

5] In the light of submissions raised, I have gone through the record. The suit is filed for possession of encroached portion. It is necessary that all the parties should be given an opportunity to challenge the same. At the same time as the matter is prolonged and some inconvenience is caused to plaintiff, it needs to be compensated by imposing costs. Hence, following order is passed.

ORDER

1. The application below Exh.29 is allowed subject to costs of Rs.500/-, paid to the plaintiff.
2. The order of ex-parte against defendants No.1, 3 and 4 is set aside and written statement be taken the on record.

3. If applicant fails to comply till next date, the application automatically filed.

Place : Karmala
Date : 07.10.2023

(M. P. Ekhe)
Civil Judge Senior Division,
Karmala

CERTIFICATE

I affirm that, the contents of the this P.D.F file Order/Judgment are same word to word, as per the original order/ judgment

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Karmala
Date : 07.10.2023

Order/Judgment signed
by the Presiding Officer on : 07.10.2023

Order uploaded on : 07.10.2023