

**ORDER BELOW EXH.24.**

Read an application and the reply filed by the plaintiffs. Perused the record. Heard the learned counsel for defendants Adv. Shri.P.D. Sawant and the learned counsel for plaintiffs Adv. Shri. M.S. Budhawale.

2. On previous date i.e. on 24.12.2019, plaintiffs filed one application at Exh.22 to make amendment in the plaint. Defendants have not filed reply upon the said application and therefore, my learned predecessor passed an order on 04.02.2021 and the application at Exh. 22 was proceeded without reply of the defendants. Today, defendants filed the instant application and submitted that defendants want to file the reply to the application at Exh. 22 and therefore, prayed to set aside no reply order dated 04.02.2021 and to grant permission to file the reply.

3. On the contrary, plaintiffs opposed to this application on the ground that defendants have not filed the reply within the time intending to prolong this suit and therefore, prayed to reject the application. They also prayed to impose cost of Rs. 5000/- upon the defendant, if the application is allowed.

4. According to defendants, they could not file the reply inadvertently. But the reason mentioned in the application is not justified. However, in order to decide an

application at Exh. 22 on merit, it is necessary to grant an opportunity to defendants to file the reply. Accordingly, I proceed to pass the following order.

**ORDER**

1. The application is allowed.
2. No reply order dated 04.02.2022 is set aside and the defendants are permitted to file the reply at Exh. 22.
3. The reply of defendants be exhibited.
4. Both the parties are directed to take note of it.

Vaduj  
Date: 25.01.2023

( D.D. Fulzele)  
Civil Judge Sr.Dn., Vaduj