

ORDER PASSED BELOW EXHIBIT-49.

01. This application is filed by defendant No.1 to 4 to set aside 'no w.s.' order passed against them on 07/06/2022. These defendants contended that plaintiffs have filed this suit for declaration and mandatory injunction against Government of Maharashtra through Collector and other Government Officials. Defendant No.1 to 4 appeared but could not file the written statement within stipulated period. Hence prayed that they be permitted to file written statement.

02. Plaintiff resisted the said application and filed his reply. Plaintiff contended that summons were duly served on defendant No.1 to 4 on 07/03/2022 and 08/03/2022. After that enough opportunities were granted to these defendants, but they failed to file the written statement. Plaintiffs have also lead evidence and their evidence is also closed and now the matter is posted for the evidence of defendants. Hence, prayed that the application be rejected.

03. Heard both the learned advocates. Perused the record. This is a suit for declaration that the plaintiff is the owner and occupant class - II of suit land and also prayed for mandatory injunction. The reliefs claimed are against the Government. Whether plaintiff is liable to be declared as owner of the suit property or not, needs to be decided on merits and therefore written statement of defendants is the essential to be taken on record to decide the suit on merits. Considering the reasons mentioned and in the interest of justice to decide the suit on merits. I am of the opinion that an opportunity

needs to be granted to the defendants to put up their defense. Hence, in view of my above discussion, I pass the following order.

ORDER

01. Application Exh.49 is allowed.
02. Written statement of defendant No.1 to 4 be taken on record.

(Nayomi P. Pawar)
Jt. Civil Judge (Sr. Division), Washim.

Date : 06/01/2023

CERTIFICATE

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

Court Name	: Jt. Civil Judge (S.D.), Washim, Dist.Washim.
Date	: 06.01.2023.
Order signed by the presiding officer on	: 06.01.2023.
Order uploaded on	: 07.01.2023.
Order uploaded by	: S. P. Kale (Stenographer G-III)