

IN THE COURT OF THE CIVIL JUDGE (S.D) NANDED.

Presided over by Shri. S.D.Indalkar

MHND0200018862023

Spl. C.S. No. of 118 of 2023

Order Below Exh.29

Sainath Annamwar and others : Plaintiffs

Versus

Balwantkaur Asarjanwale and others. : Defendants

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ORDER :-

Application under order is moved by defendant nos. 1 to 3 seeking setting aside no written statement order against them.

2. The defendant nos. 1 to 3 submit that defendant no. 1 is senior citizen. She was not well. Defendant no. 2 & 3 are her sons. All the defendants were busy in medical treatment of defendant no.1. Therefore, they were unable to submit the information to the advocate. It is necessary to give them to opportunity to offer their pleadings. They will suffer huge loss if opportunity is not given. Hence, on above grounds, defendants submit that no written statement order against them be set aside.

3. The plaintiffs have resisted application vide their say on application itself. They have contended that no written statement order is passed against defendant no. 1 & 2 on 01.01.2024 and against defendant no.3 on 28.7.2023. The reasons mentioned by defendants for delay are not satisfactory. Hence, plaintiffs submit that application be rejected.

4. Heard learned advocate for respective parties. Record shows that plaintiffs have instituted suit for specific performance and permanent injunction. It further shows that defendants have appeared vide Exh.14 & 19 on 27.06.2023 and 01.08.2023. This application is moved on 29.04.2023.

5. In order to decide this suit on merit and to avoid multiplicity of proceeding, it would be just and proper to give opportunity to respective parties to offer their pleadings and evidence if any. It will be helpful to adjudicate difference on merit. The opportunity to the defendant will not cause any prejudice to the plaintiffs as they will get chance to offer their pleading and evidence at relevant stages. Hence, it would be just and proper to set aside no written statement against defendant nos. 1 to 3. Considering delay caused to move this application, it would be proper to saddle some cost on shoulder of defendants. Hence, following order is passed.

ORDER

- 01] Application is allowed subject to costs of Rs. 300/- to be paid on or before next date at the office of DLSA, Nanded.
- 02] Written statement of defendants will be read and recorded after compliance of clause 1 of this order.

Date : 09.07.2024
Place- Nanded.

Sd/-
(S. D. Indalkar)
Civil Judge Senior Division, Nanded.

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.

Name of the Stenographer	Sandeep Sureshrao Paralkar
Court Name	Court of Civil Judge, Senior Division, Nanded
Date of Judgment / order	09.07.2024
Judgment /order signed by the Presiding Officer On	09.07.2024
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