

ORDER BELOW EXH.21

(Order passed on 04th day of June, 2019)

[01] Present application is moved by non-applicant no.1 for setting aside no reply order and permission to file reply on record. Perused application and the say given by the applicant. Heard both sides. It has been contended by the non-applicant no.1 that the delay caused for submitting reply is not intentional as well as deliberate one. In the interest of justice the non-applicant no.1 prayed for allowing the application.

[02] On the other hand applicant by filing her say vide Exh. 22 has opposed the application. It has been contended that the application submitted by non-applicant no.1 is without any reason. It is averred that the application is not signed by competent officer of non-applicant no.1. It is averred that the non-applicant no.1 is trying to prolong the matter unnecessarily. Thus, applicant prayed for rejection of the application.

[03] On perusal of record, it seems that after service of notice non-applicant no.1 appeared in the matter on 09.04.2018. The notice is seems to be served on 21.03.2018. Thus, non-applicant no.1 was duty bound to submit its W.S. within stipulated period of 90 days from the date of service. However, non-applicant no.1 failed to submit W.S. within time.

[04] Now, by way of this application non-applicant no.1 wants to contest the matter on merit. No doubt the application is not submitted with any specific reason, however the matter relates to succession. The participation of non-applicant no.1 is seems to be necessary for deciding the matter on merit. Thus, considering the facts and circumstances on record, the opportunity to participate in the litigation needs to be given to the non-applicant no.1. Hence, I pass the following order.

ORDER

[01] Application (Exh.21) is hereby allowed subject to costs of Rs.1,000/- payable to the applicant.

[02] On payment of costs, reply submitted by the non-applicant no.1 be taken on record.

Date : 04.06.2019

[S.K.Fokmare]
Civil Judge Senior Division
Umrer.

Certificate

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

Name of : **Mr. Mahendranath D. Nagpure**
Stenographer **Stenographer (Grade III)**
Court Name : Civil Judge Senior Division, Umrer
Date : 04/06/2019

DISTRICT COURT
NAGPUR