

ORDER BELOW EXH 17 IN CIVIL M.A.NO. 01/2018
(CNR NO. MH007000890-2017)
I.A.No.01/2019

01] This is an application filed by non-applicant no.4 and 7 for setting aside of without say order dated 13.02.2019 passed against them on Exh. 1 and for grant of permission to file their say on record. It is submitted therein that they have right and interest in the suit property. As they could not get documents of original suit they could not provide the same to their advocate. Therefore, there is delay in filing their say on record which needs to be condoned in the interest of justice and they need to be permitted to file their say on record.

02] In reply scribed over the instant application the applicant has strongly opposed it and submitted therein that the contents of the application are not true and correct. That after their appearance in the instant case on 12.04.2018 the instant application filed by the non applicant no.4 and 7 after a delay of about 6 months. That the reasons mentioned in the application are not proper and justified. Therefore, the application is liable to be rejected with cost.

03] Perused the application and the reply scribed over it. Heard learned advocates for both the sides.

04] The instant case is for setting aside of order dated 26.10.2017 passed on Exh.1 in R.C.S.no. 312/2012 and for taking the said suit on the file of the Court. As per principles of natural justice no party to the case should remain unheard and that all the parties should be heard before deciding the said case on merits. In the present case, to decide the case on

merits it is necessary to give an opportunity to the non-applicant no.4 and 7 to file their say on record by setting aside no say order passed against them on Exh.1. Delay in filing say can be compensated by imposing cost over the non-applicant no.4 and 7. No prejudice will be caused to the applicant if the instant application is allowed. On the contrary if this application is allowed and non-applicant no.4 and 7 are permitted to file their say on record the instant case will be decided on merits. As such, to give an opportunity of hearing to non-applicant no.4 and 7 and to decide the case on merits instant application needs to be allowed as per final order. As such, final order is passed as follows:-

ORDER

1. The instant application at Exh. No. 17 is allowed in the interest of justice subject to cost of Rs. 200/- (Two Hundred only) to be paid to the applicant.
2. The order dated 13.02.2019 passed on Exh. 1 is hereby set aside and non-applicant no.4 and 7 are permitted to file their say on record after depositing the cost amount.
3. The application is disposed of accordingly.

Date- 25.11.2019.

(P. P. Deshmukh)
Jt. Civil Judge, Junior Division
Pandharpur.

CERTIFICATE

I affirm that, the contents of this PDF file order are same word to word, as per the original order.

<i>Name of Stenographer</i>	:	<i>A.K. Vibhute</i>
<i>Court</i>	:	<i>Jt.Civil Judge Junior Division Pandharpur</i>
<i>Date</i>	:	<i>25.11.2019.</i>
<i>Order signed by the Presiding Officer on</i>	:	<i>25.11.2019.</i>
<i>Order uploaded on</i>	:	<i>26.11.2019.</i>