

**Order below Exh.31 in Spl.CS No.65/2022**

By this application defendant Nos.2/1 to 2/3 have requested to set aside the no WS order dated 29/09/2023 passed against them on the grounds stated in the application. Plaintiff has filed his say and raised strong objections. Perused application and say. Heard both the sides. Record shows that plaintiff has filed this suit for specific performance of contract and perpetual injunction. Defendant Nos.2/1 to 2/3 appeared through their counsel on 14/12/2022 vide **Exh.17**. They failed to seek adjournment for filing WS and thus, on 29/09/2023 the impugned order came to be passed against them. This application is filed by defendant Nos.2/1 to 2/3 on 03/11/2023 i.e. approximately after 11 months of their appearance. Be that as it may. This delay can be compensated by imposing cost upon defendant Nos.2/1 to 2/3. However, considering the nature of suit, relief claimed and the loss which can be caused to defendant Nos.2/1 to 2/3, if they are not permitted to contest the claim, I am of the opinion, to permit them to file their WS. Hence, I pass following order:-

**ORDER**

1. No WS order dated 29/09/2023 passed against defendant Nos.2/1 to 2/3 is hereby set aside subject to cost of Rs.750/- to be payable by them to plaintiff on or before next date.
2. After payment of cost amount and its acknowledgment by plaintiff, the WS/say filed by defendant Nos.2/1 to 2/3 be taken on record.

Date : 18/07/2024

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.