

Order below Exh. 21 in
Spl. Civil suit No.104/2022

The present application is filed by the defendant for setting aside No W.S. order and for seeking permission to file W.S. on record.

02. Perused application and say.

03. Head both sides.

04. It is submitted by the defendant that the court has passed ex-parte order against him on 31/10/2023. He ought to have filed W.S. and say on record within time but he could not comply the same for want of documents. The defendant could not meet his advocate and supply necessary information to her. It is not the case that delay is caused negligently or deliberately. Thus, the defendant has prayed for setting aside No W.S. order and for grant of permission to file W.S. and say on record. The plaintiff through his Counsel strongly objected the application and prayed to impose costs on the defendant.

05. It is pertinent to note that No W.S. order is passed on 31/10/2023 and the present application has been filed on 12/03/2023. The application is supported by an affidavit sworn by the defendant. As per submission of the plaintiff's Counsel and considering reasons put forth, it will be just and proper to allow the application subject to costs of Rs.500/-. Hence, following order is passed.

ORDER

01. Application is allowed.

02. No W.S. order passed against the defendant dated 31/10/203 stands set aside subject of Costs of Rs. 500/- payable to the plaintiff. The Defendant is permitted to file W.S. and Say on record.

(Dictated on Dias and pronounced in open Court.)

Sd/-

Oros.
Dated : 12/03/2024.

(**A.D.Tidke**)
Joint Civil Judge, Senior Division,
Sindhudurg-Oros.