

<u>CNR No.MHPU150022502022</u> 	<u>Reg. Civil Suit No.545/2022</u> Ashok Bhaskar Gudhate Versus Rajendra Raghunath Charegaonkar + 2
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ORDER PASSED BELOW EXH.32.

(Date: 05.04.2024)

1] Present application has been filed by the defendants for setting aside 'No W.S./Say' order passed against them.

2] According to the defendants, the suit summons/notices have been served to them on 16.06.2023 and they have to file their Say within stipulated period i.e. till 16.09.2023. However, due to non-availability of important documents within time, they failed to file their Say within stipulated period. Therefore, on 16.06.2023 'No W.S./Say' order came to be passed against them. If application not allowed, they will suffer irreparable loss. Therefore, it is prayed to set-aside the No W.S./Say order passed against them. Hence, the present application.

3] The plaintiff has filed his say on the application itself and strongly objected the same. It is contended that, the contents made in the application are false. The reason assigned is not justifiable. Hence, it is prayed to reject the application. Further, it is contended that if court comes to the conclusion to allow the application then heavy costs be imposed upon the defendants.

4] Perused the application and say. Heard the both the sides. Perused the record and roznama. The present suit is filed for issuance

of heirship certificate under section 8 of the Bombay Regulations Act, 1957. The present application is supported with an affidavit at Exh.33. The application is filed alongwith the W.S./Say. The plaintiff strongly opposed the application. However, it is settled canon of law that no one should be condemned unheard. In my illation, if the opportunity is not granted to the defendants to putforth their defence, then the same will amount to curtailing the opportunity available to them. Considering the nature of suit, to decide it on merits, it is necessary to set-aside 'No W.S./Say' order passed against the defendants. However, the plaintiff needs to be compensated for hardship caused. Hence, I am inclined to grant present application subject to costs. Therefore, I pass the following order :-

ORDER

- i. The application is allowed subject to costs of Rs.300/- (Rupees Three Hundred Only) payable by the defendants jointly to the plaintiff on or before next date.
- ii. The No W.S./Say order dtd.16.06.2023 passed against the defendants is hereby set-aside on payment of costs.

Date : 05.04.2024.
Place : Baramati.

(V. V. Patil)
3rd Jt. Civil Judge, Senior Division,
Baramati.

CIRTFIFICATE

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

<i>Name of Stenographer</i>	<i>:: Santosh Kishanrao Panchal (Grade-III)</i>
<i>Court Name</i>	<i>:: V. V. Patil, 3rd Jt. C.J.S.D., Baramati.</i>
<i>Order decided On</i>	<i>:: 05.04.2024</i>
<i>Order directly dictated on Computer on</i>	<i>:: 05.04.2024</i>
<i>Order signed by PO. on</i>	<i>:: 06.04.2024</i>
<i>Order uploaded on</i>	<i>:: 06.04.2024</i>