

Order below Exh.54 in Spl.CS No.19/2024

By this application defendant No.3 has requested to set aside No WS order dated 30/07/2024 passed against him on the grounds mentioned in the application. Plaintiff has 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. The suit summons came to be served upon defendant No.3 and he appeared through his counsel on 27/06/2024. He sought adjournment on 27/06/2024 but his application at Exh.19 seeking adjournment came to be rejected and the impugned order came to be passed on 30/07/2024. This application is filed by defendant No.3 on 10/02/2026. There is delay of more than one and half years in moving the application. Be that as it may. Taking into consideration the nature of suit, reliefs claimed and to decide the suit on merits, I am of the view to permit defendant No.3 to file his WS. No prejudice will be caused to plaintiff. However, while doing so, the delay caused by defendant No.3 in moving the application cannot be neglected and for that purpose it is necessary to saddle costs of Rs.1,500/- upon him. Hence, I pass following order :-

Order

1. No WS order dated 30/07/2024 passed against defendant No.3 is set aside subject to costs of Rs.1,500/- to be payable by him to plaintiff on next date or any other date as extended by the Court.
2. After acknowledgment of costs amount by plaintiff, the WS filed by defendant No.3 be taken on record.

Date : 06/04/2026

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.