



Vs.

Balasaheb Muralidhar Dhumal etc.

ORDER BELOW EXH. 26 IN R.C.S. NO. 303/2024

Perused the application and say filed by plaintiff on it. Heard both parties. Application is well supported by an affidavit filed at Exh. 27. Perused the record, it appears that, suit is filed for partition, possession and permanent injunction in respect of the suit properties. The defendant No. 1 failed to file his written statement within stipulated period. Though, 'No W.S.' order was not passed against him below Exh. 1, it is presumed to be passed against defendant no. 1. It further appears that, this application for setting aside 'No W.S.' order is filed on 19.11.2024, whereas defendant No. 1 has appeared through his advocate by filing vakalatnama at Exh. 17 on 01.08.2024. It has been stated that, due to unavailability of documents he could not file his W.S. within stipulated period.

2. Reasons mentioned in the application not seems quite just. There is a delay of about 15 days. Delay is not much. It is not properly explained. In order to solve the real dispute between the parties and for effective adjudication w.s. of defendant No. 1 must be on record. However, at the same time the delay for the trial due to act of defendant No. 1 can't be ignored. As well as suffering caused to plaintiff

can't be ignored. Hence, in the interest of justice, I proceed to pass following order.

ORDER

1. The application is allowed subject to costs of Rs. 200/- (Rs. Two hundred only). Costs amount be paid to Taluka Legal Services Authority, Sangamner on or before next date. In default, the effect of present order will be vacated.
2. After compliance of the costs amount W.S. should be read & recorded.
3. No w.s. order passed against defendant No. 1 is hereby set aside.

Sangamner
Date : 19.11.2024.

(K. K. Patil)
2nd Jt Civil Judge, Jr. Dn.,
Sangamner.