

ORDER BELOW EXH. 29

Perused the application which is moved by the defendant No. 1 and 2 for setting aside no W.S. order passed below Exh. 1 Dtd. 25/06/2014. It has submitted on behalf of defendants that after filing of this suit there was some compromise talk was going on at the relevant time so they could not file W.S. within prescribed period of 90 days. On behalf of plaintiff application is opposed on the ground that the reasons shown for the delay are not satisfactory and acceptable.

From the record, it seems that on 19/01/2014 summons was duly served to the defendant No. 1 and 2 and considering this date, prior to 19/04/2014 they ought to have file W.S. However, on 13/03/2015 that means after completion of near about one year from completion of 90 days period defendants moved this application. As the reason submitted for the delay caused in filing the W.S., I find force in it. Thus the no W.S. order passed against them deserves to be set aside but not without the cost and by which no prejudice or any harm will be caused to the plaintiff. Accordingly in the result I passed the following order :-

ORDER

No W.S. order dated 25/06/2014 passed below Exh. 1 against defendant No. 1 and 2 is hereby set aside subject to cost of Rs. 1,000/- (Rupees One Thousand only) which is payable to the plaintiff.

Date : 02/12/2015

Sd/-xxx
(R.S. Aradhya)
2nd Jt. Civil Judge (S.D.),
Sangamner