

MHAH180007122023

R.C.S.No.169/2023

Prashant Jondhale

Vs.

Promod Achut Dole and Others

ORDER BELOW EXH.17

This is an application filed by the defendant no.1 for set aside No WS order passed against him. It is submitted that, defendant No.1 that, the father of defendant no. 1 was admitted in hospital at Nasik. Therefore, defendant no.1 could not present before court and he unable to submit written statement and accordingly No WS order was passed against him. If the application rejected defendant no. 1 suffered irreparable loss which could not be compensated in terms of money. Hence, Defendant no. 1 prayed for set aside No WS order dated 18/09/2023.

2. Plaintiff filed say overleaf of the application and submitted that application not tenable. There is no justified reason mention in the application for set aside No WS order. Hence, prayed for reject the application.

3] Perused the application and say. Perused the entire record of the suit. Heard learned advocate for both parties. At the outset it is necessary to consider that plaintiff filed the suit for perpetual injunction. Defendant no. 1 appeared in this suit on date 06/06/2023 but he could not filed written statement within stipulated time and accordingly No WS order was passed against him on dated 18/09/2023. Defendant no. 1 has not submitted medical papers along with application. The reason mentioned in the application is not justified. But however, considering the principle of natural justice opportunity given to

the defendant no 1. No doubt it causes heavy inconvenience to the plaintiff but it can be compensated by affording reasonable cost. Hence I Pass the following order.

ORDER

1.	Application (Exh.17) is hereby allowed subject to costs of Rs.300/- to the plaintiff.
2.	Written statement of defendant no. 1 is taken on record after the compliance of this order.

Date: 05/01/2026

(Shri. P. H. Patil)
2nd Jt. Civil Judge (J.D.)
Rahuri