

ORDER BELOW EXHIBIT NO.18.

1. Defendant has filed present application for set aside No W.S. order passed against him.
2. It is contention of the present defendant that, there was compromise talk was going on between the defendant and plaintiff and hence he could not file written statement within time. Therefore, prayed to set aside No W.S. order.
3. The plaintiff filed say on the overleaf of the application and strongly objected to the application on the ground that, there was nearly four year delay in filing the present application, the grounds are not justified and prayed to reject the application imposing costs.
4. Heard learned advocate for the defendant and plaintiff. Perused the record.
5. On perusal of record it seen that, on 25.10.2021 No W.S order passed against defendant. The present application filed on 09.01.2025. Certainly there was delay of more than three years. Considering the grounds though it not justified but, the plaintiff is also not adduce his evidence. Therefore, in other way the plaintiff is also negligent in proceeding with the suit. Considering the delay and negligence of both part I am of the view that liberal approach is required to be taken. It is also pertinent to note that no prejudice will be caused to the plaintiff if No W.S. order is set aside. On the contrary if No W.S. order is not set aside then prejudice will be caused to defendant. Moreover if application is allowed then matter will be decided on the merits. Therefore, I am of the view that application required to be allowed. Hence I pass following order.

ORDER

No W.S. order passed below Exh.1 dated 25.10.2021 against defendant is set aside subject to costs of Rs.1000/-.

Date : 06/02/2026.

[Ravikiran Sapate]
Civil Judge J. D., Pathardi.