

Order below Exh. 23 in R.C.S. No. 391/2023
(Passed On 23rd July, 2025)

1. This is an application filed by the counter-defendant Nos. 1 to 3 for setting-aside 'No W.S.' order passed against them and for permission to file Written Statement. Heard the arguments. Advocate for applicants submitted that their delay to file W.S. was not deliberate. For just decision of case opportunity to put-forth their defence needs to be granted. Advocate of other side opposed this application and contended that the instant application is not legal and correct. Furthermore, there is a deliberate delay for filing Written Statement. Hence, considering the delay, this application must be rejected with heavy cost.

2. Considering the nature of suit and reasons stated in the application in my view for just decision of case defence of counter-defendant Nos. 1 to 3 needs to be heard. The inconvenience caused to other side can be redressed by imposing cost. No much prejudice would be caused to counter-plaintiff. On the contrary, for efficient and full adjudication between the parties it would be proper to hear the defence of other side. Hence, I pass the following order :-

ORDER

1. The application is allowed.
2. 'No W.S. order' passed against counter-defendant Nos. 1 to 3 is hereby set-aside and they are permitted to file W.S., subject to cost of Rs. 500/- to be given to counter-plaintiff, as a condition precedent.

Place: Sangamner.
Date : 23.07.2025.

(Prasad B. Joshi)
5th Jt. Civil Judge Sr. Division,
Sangamner.