

ORDER BELOW APPLICATION VIDE EXH.24 IN R.C.S.No.353/2017

(Balasaheb V/s. Sampat & Others)

- 1] This is application is filed by defendant no.1, 3, 6, 9 & 10 to set aside No WS Order passed against them.
- 2] It is contended that, defendants have not received important documents within prescribed period, hence, they were unable to file written statement within prescribed period. Delay is not intentional. The rights of defendants are involved in the suit property. Hence, prayed to allow the application.
- 3] The plaintiff has filed his say overleaf the application and resisted the same. It is contended that, no reasonable ground is shown by defendants to allow the application. The contentions of the defendant are false. The application is devoid of any merits. Hence, prayed to reject the same.
- 4] Heard both the advocates. Defendants were served with suit summons on 05.01.2018. The defendants were expected to file their written statement on or before 05.04.2018. Defendants failed to file their written statement on 05.04.2018. The present application came to be filed on 17.10.2018. There is approximately 6 months delay to file written statement on record. Considering the principle of natural justice, it is necessary to put defence of defendants on record by way of filing written statement. The delay of 6 months can be compensated by imposing reasonable cost upon defendants. Hence, considering the principle of natural justice, the application deserves to be allowed. Hence, I pass following order.

ORDER

- 1] The application vide Exh.24 is allowed.
- 2] No WS Order pass against defendant no.1, 3, 6, 9 & 10 is hereby set aside upon cost of Rs.500/- to be given to the plaintiff on next date.
- 3] Cost in cause.

Date: 11/02/2019

(**R.B.Kulkarni**)
2nd Jt. Civil Judge (J.D.),
Shrigonda.