

**ORDER BELOW EXH.18**

(Dated 04.01.2023)

1] Heard the plaintiff and defendant counsel. The plaintiff has filed their say to the said application. This application is filed by defendants to set aside No W.S. order passed against them.

2] The learned counsel for the defendants submitted that they could not file their written statement within the stipulated period due to non availability of documents within time. The defendants will suffer irreparable loss if the suit is proceeded without W.S. The rights of defendants is involved in the suit. Hence, they prayed that the present application be allowed.

3] The learned counsel for the plaintiff submitted that the said application be rejected. The defendants appeared before the court on 20/10/2021. They have not filed the written statement within the stipulated period. If the said application be allowed cost of Rs. 2000/- be imposed upon them.

4] The defendants were served with summons and she appeared before the court on 20/10/2021. Thereafter, the present application came to be filed on 02/11/2022. No doubt, defendants have prolonged the matter. However, considering the principle of natural justice, it is necessary for the defendants to put their defence by way of filing their written statement. The delay in filing written

statement can be compensated by imposing reasonable cost upon defendants. Hence, considering the principle of natural justice and fairplay, the application deserves to be allowed. Hence, the following order is passed.

**ORDER**

- 1] The application is allowed.
- 2] No W.S. order passed against defendants is hereby set aside subject to cost of Rs. 1000/- to be given to the plaintiff on next date.
- 3] Cost in cause.

Date: 04.01.2023.

**( N. S. Kakade )**  
Jt. Civil Judge, Senior Division  
**Shrigonda.**