

ORDER BELOW EXH.43 IN R.C.S No.207/2017
(Mahasing Vs. Shivilal & Ors.)

1. Read the application and say.
2. Perused the record and proceedings.
3. Heard the Ld. Advocates for both the parties.
4. By this application, the defendant Nos.10 & 11 have prayed to condone the delay and to set aside the order of 'No WS' passed against them. They submitted that as plaintiff has not provided necessary documents with ill intention to file their written statement, therefore, they could not prepare their say. They could not file their written statement within stipulated period of limitation. The application is supported with the affidavit. The reason mentioned in the application is not reasonable. The application is not supported with any documentary evidence. However, in the suit the valuable right as to immovable property are involved. If the present application is rejected, then possibility of multiplicity of the proceeding cannot be ruled out. Moreover, it is always desirable to decide the matter on merit after giving every opportunity to both the sides. If the present application is allowed, then no prejudice would be caused to the present plaintiff. However, for delay they are liable to compensate the plaintiffs. Under such set of circumstances, it is just and proper to allow the present application with cost. Hence, I pass the following order -

ORDER

1. The application is allowed.
2. The delay caused to file W.S. is condone and the order of 'No W.S.' against the defendant Nos. 10 and 11 is set aside subject to costs of Rs.500/- (Rs.Five Hundred only) to be paid to other side.
3. Costs is condition precedent.

Date : 25.04.2024.

Sd/-
(S. S. Agrawal)
Jt. Civil Judge Junior Division.
Gangapur, Dist. Aurangabad

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same word to word, as per the original order.

Name of Stenographer : Sanjay V. Shinde,
Court Name : S.S.Agrawal, Jt. C.J.J.D. & J.M.F.C.
Gangapur, Dist. Aurangabad.
Date of Judgment/Order : 25.01.2024
Judgment/Order signed by the
Presiding Officer on : 25.01.2024
Judgment/Order uploaded on : 25.01.2024