

ORDER BELOW EXH.No.6-A IN R.C.S.No.111/2023
Bismilla Bashir Patel Vs. Dilip Bhalerao

1. This application is filed by defendant No.1 and 2 for setting aside no say / W.S order dated 15.06.2024. Plaintiff has filed say and opposed the application. Heard both sides. Perused proceeding. Suit is for perpetual injunction. Suit summons is duly served on defendants 02.12.2023. Thereafter these defendants appeared in suit through vakalatnama on 22.12.2023. Defendant No.1 and 2 have filed this present application on 21.08.2024. All this dates shows that, inspite of sufficient opportunity they failed to file said W.S. within stipulated time period as per order VIII of Civil Procedure Code.

2. It shows that there is delay to file this application. This is trial court. In view of principles of natural justice, no one should not be remained without being heard. In the interest of justice it will be justice and proper to decide this matter on merit, opportunity should be given to the defendants to file their say. It appears that there is some delay to file said written statement / say. Considering nature of suit and in the interest of justice I pass following order

ORDER

1. Application vide Exh.6-A is hereby allowed subject to cost of Rs.500/-.
2. No W.S order dated 15.07.2024 is hereby set aside and delay is hereby condoned.
3. Cost of Rs.500/- be given to the plaintiff.
4. After compliance of said order, W.S be taken on record and be exhibited.

Khulatabad
Date- 22.10.2024

(**Shaikh M. A. K.**)
Jt.Civil Judge Junior Division
Khulatabad.