

MHBI160001462019



R.C.S.No. 66/2019
Gorakh Vs. Bapurao

ORDER BELOW EXH. NO.30

Perused application and say. Heard both the sides. Defendant prayed for setting aside the no W.S. and no say order passed against him. The learned advocate for the plaintiff has given their say behind the back of the application of the defendant and prayed for necessary order with costs.

2. Defendant contended that, he has not received necessary documents within time, hence, he has not able to file the w.s. and say. Hence, no w.s. and no say order was passed against him on 26-07-2019. The important rights of the defendant is involved in the suit, if the application is not allowed then it will cause huge loss to the defendant. Hence, defendant prayed for allowing the application by setting aside the no W.S. and no say order passed.

3. Per contra, the learned advocate for the plaintiff submitted that the defendant has caused intentional delay for filing the present application. Hence, plaintiff prayed for on cost of Rs.2000/- necessary order may kindly be passed.

4. Plaintiff has filed the present suit for permanent injunction in respect of the suit property. On perusal of the suit and application it seems that important civil rights of the defendant is involved. It is necessary to decide every suit on merit rather than the technicalities. Defendant prayed for to set aside the no W.S. and no say order passed. Hence, considering the reasons stated in the

application it needs to be allowed. However, the delay caused can be compensated considering the nature of suit, the stage of suit, conduct of party by imposing the proper cost. Hence, I pass the following order:

ORDER

1. Application is allowed subject to depositing the cost of Rs.500/-.
2. Cost be given to the plaintiff on or before next date.
3. Parties to take note accordingly.

Date : 03/01/2024

Sd/-
(A.T.Mangire)
Civil Judge Jr. Division,
Shirur kasar.

"I affirm that the contents of this PDF file are word to word as per original Judgment/order".

Sd/-
[P.B. Kusumkar]
Stenographer Grade-3

Dictated on : 03/01/2024
Transcribed on : 03/01/2024
Checked & signed on : 03/01/2024