

MHBI160003312023



R.C.S.No. 191/2023

Jalindar Vs. Anil

ORDER BELOW EXH. NO.15

Perused application and say. Heard both the sides. Defendants prayed for setting aside the no W.S. and no say order passed against them. The learned advocate for the plaintiffs has given their say behind the back of the application of the defendants and prayed for rejection of application.

2. Defendants contended that, they were out of station for their livelihood, hence, they were not able to file the w.s. and say within time. Hence, no w.s. and no say order was passed against them on 09-08-2023. The important rights of the defendants are involved in the suit. Hence, defendants 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 plaintiffs submitted that the present application is not legal and the reason stated in the application is not proper. Hence, plaintiffs prayed for rejection of application.

4. Plaintiffs has filed the present suit for removal of encroachment, declaration and permanent injunction in respect of the suit property. On perusal of the suit and application it seems that important civil rights of the defendants are involved. It is necessary to decide every suit on merit rather than the technicalities. Defendants 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.150/-.
2. Cost be given to the plaintiffs on or before next date.
3. Parties to take note accordingly.

Date : 17/01/2024

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 : 17/01/2024
Transcribed on : 17/01/2024
Checked & signed on : 17/01/2024