

MHBI160018602022



R.C.S.No. 1185/2022

Ashok Vs. Umaji

ORDER BELOW EXH. NO.23

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 necessary order with costs.

2. Defendants contended that, they have not received important documents within time, hence, they were not able to file the w.s. and say. Hence, no w.s. and no say order was passed against them on 06-03-2023. The important rights of the defendants are involved in the suit, if the application is not allowed then it will cause huge loss to the defendants. 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 defendants has caused intentional delay for filing the w.s. and say. Hence, plaintiffs prayed for on cost of Rs.1000/- necessary order may kindly be passed.

4. Plaintiffs has filed the present suit for 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 by imposing proper cost. Hence, I pass the following order:

ORDER

1. Application is allowed subject to depositing the cost of Rs.200/-.
2. Cost be given to the plaintiffs on or before next date.
3. Parties to take note accordingly.

Date : 02/01/2024

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 : 02/01/2024
Transcribed on : 02/01/2024
Checked & signed on : 02/01/2024