

**ORDER BELOW EXH. 13**

(Passed on 21<sup>th</sup> day of January, 2025)

This is an application filed by non-applicants to set-aside the order dated 22.10.2024 passed below Exh.11 to proceed against them without W.S. The applicant filed say on the application itself and prayed for rejection of the application.

2] It is contention of non-applicant that due to illness of non-applicant No.3, they were out of station, therefore, on last fixed date they were unable to file the written statement on record of the case, and as such, their application filed at Exh. 11 is rejected and the matter was proceeded without w. s. against them.

3] The reason mentioned in the application is the application seems true. Except this, the matter is between the husband and wife, the non-applicant is ready to file w.s. In order to decide the case on merit the pleading of non-applicants is necessary on record of the case. Moreover, if the application is allowed then case/proceeding will be decided on merit, on the other hand if the application is rejected then definitely prejudice will be caused to the non-applicants which cannot be compensated in terms of money. As the non-applicants failed to file written statement/reply within time, in order to check so called delay caused to them for filing reply/w.s., it can be compensated by imposing certain reasonable costs on them. Hence, I pass following order;

**ORDER**

Application filed at Exh.13 is allowed subject to payment of costs of Rs. 300/- payable to the applicant.

Date : 21.01.2025.  
Desaiganj.

(Satish G. Gore)  
Judicial Magistrate First Class,  
Desaiganj.