

**ORDER BELOW EXHIBIT 52**

1. The is an application by defendant no.3 and 4 seeking setting aside of no WS order passed against them on 30/07/2024.
2. It is the case of the defendant that, he could not collect the necessary documents to file for drafting written statement. Hence, he prayed for allowing the present application along with their WS.
3. The plaintiff has strongly objected the application vide his detailed say below Exh.53 contending that the reason mentioned regarding the delay is not satisfactory. Hence, the present application deserves to be rejected and in the alternative be allowed subject to heavy cost.
4. Perused the record. Heard the learned advocates for the plaintiff and the defendant. No WS order was passed on 30/07/2024. Thereafter, the present application has been filed. There is delay of almost 14 months.
5. The written statement is necessary to decide the suit on merits. The relief is claimed against the present defendants. The court has inherent power to allow the application beyond 90 days. Hence, the delay could be condoned and the defendants deserve one opportunity. Therefore, it is necessary to have their WS on record.
6. As regards to the contention of the plaintiff that due to the lapse of time he had to suffer inconvenience, same shall be compensated by imposing some amount of costs on the defendant. Hence, I proceed to pass following order.

**ORDER**

1. The application Exh.52 is allowed.
2. The no WS order passed below exhibit 01 dt 30/07/2024 is hereby set aside subject to cost of Rs. 600/- (Rupees Six Hundred Only) to be paid by the defendant no.3 and 4 to the plaintiff.

Date: 06/01/2026

sd/-  
(Atul R. Joshi)  
Jt. Civil Judge, J.D.,  
Amgaon