

MHKO050001802019



Bhalchandra Anant Zavare & Ors.

Vs.
Vijaykumar Bhauso Zavare
& Ors.

RCS No. 22/2019

ORDER BELOW EXH.41

The present application has been made by the defendant no.1 for setting aside 'No WS' order passed against him on 28/11/2022. The plaintiff filed his say below Exh.41 and submitted that he has no objection to the application.

02. Heard Ld. Advocates for both the parties.

03. Ld. Advocate for the defendant submitted that the defendant no. 1 is age old person and was suffering from illness and due to his old age necessary instructions could not be gathered and the defendant no. 1 and 2 being brother and sister could not meet the Ld. Advocate, consequently WS could not be filed on record within limitation. It is prayed that considering the submissions made, the application be allowed and WS by defendant no.2 be kindly taken on record. The defendant no.1 also filed pursis at Exh.42 and submitted that contents in the WS by defendant no.2 be read as his contentions also.

04. Considering the documents on record and submissions made, the defendant no. 1 and 2 may be allowed to contest the present suit. It comes to the notice that "No WS" order passed against defendant no.1 only, however, defendant no.2 also failed to file WS on record within limitation. Despite the fact that as the plaintiff do not have any objections against the present application, following order is passed;

ORDER

- 1) The application is allowed.
- 2) 'No WS' Order passed below Exh.1 against the defendant no. 1 is set-aside. WS by defendant no.2 be read as WS by defendant no.1 also.

Sd/-

Date: 15/07/2025.
Place: Ichalkaranji.

(M.S. Gawade)
5th Jt. Civil Judge Junior Division,
Ichalkaranji.