



Order below Exh. 11 in
Regular Civil Suit No. 36 /2024
CNR Number is MHKO050002932024
(Passed on 12.11.2024)

This is an application filed by defendant Nos. 1 and 2 seeking to set aside 'No W. S. order' passed against them.

02. Perused the application. It is the contention of the defendants that due to unavoidable reason they could not possible to file their written statement on record within time. There is no deliberate delay. If application is allowed, no harm or loss would be caused to the other side, on the contrary it will be helpful to adjudicate the matter on merit. Hence, prayed to allow the application.

03. The Plaintiff has filed his say and opposed the application on the ground that, the contents of application are not true and correct. There is deliberate delay. Further submitted that if Court comes to the conclusion that said application is to be allowed, then heavy costs may kindly be imposed on them.

04. Heard arguments advanced by learned advocates for both sides. Perused the record.

05. Considering the reasons mentioned in application, it would be appropriate in the interest of justice to give an opportunity of being heard to the defendants by bringing on record its Say. Permission can be granted to the defendants. It

will be just to proceed on merits instead of technicalities. No prejudice will be caused to other side as case will proceed on merits. Hence, I proceed to pass order as under.

ORDER

- 1) The application (Exh.11) is allowed and No W.S. order is set aside.
- 2) Written statement of the defendants be taken on record.

Date : 12.11.2024

(B. T. Yengade)
Jt. Civil Judge, Senior Division,
Ichalkaranji.