

Order below Exh. 37 in

MHKO050007762024

Regular Civil Suit No. 69/2024



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

02. Perused the application. It is the contention of the defendant that due to unavoidable reason it could not possible to file its written statement on record within time. In year 2024 loksabha election was going on. 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. Defendant No. 1 has not given strong reason to set aside the No W.S. Order. Hence, prayed to reject the application with heavy cost of Rs.5,000/-.

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 defendant by bringing on record its written statement. Permission can be granted to the defendant. 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.37) is allowed.
- 2) Order of 'No written statement' is set aside.

Ichalkaranji.

Date : 25.03.2025.

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