

MHKO050023992023



R.C.S. No.199/2023.
Sunita V/s. Sambhaji.

Order passed below Application Exhibit – 15.

(1) By filing present application, it is the Plff. who prays to set aside “No WS Order”. In fact in this case the Deft. filed counter-Claim to which within time stipulated the Plff. failed to file his W.S.. Order VIII, R.6G of the CPC provides that same rule are applicable as of the W.S..

(2) The opposite side opposed the appln. Main thrust of her argument is (i) delay (ii) intentional delay (iii) conduct of the Plff. to protract the *lis.* (iv) non mention of plausible reason.

(3) (Appln. is supported with W.S.) If permission, as sought is granted, no prejudice would be caused to the Deft.; on the contrary, if WS to the counter-claim is placed on record, said aspect definitely help the court to arrive at right conclusion and to render the just decision. In an adversarial system, no party should ordinarily be denied the opportunity of participating in the process of justice dispensation. No doubt the litigation like of present needs expeditious and early disposal; still for complete and effective adjudication, opportunity needs to be given to the party, who is supposed to suffer thereby. Our laws of procedure are grounded on a principle of natural justice which requires that no one should be condemned unheard and that he should not be precluded from participating in the cause. As regards the delay, it can be taken care by imposing certain costs. Hence, in the interest of justice, I pass the following order :-

ORDER

(1) “No WS Order” is set aside, subject to costs of Rs.300/- payable to the Deft., with following conditions :-

(a) Payment of costs as imposed shall be condition precedent to exhibit the WS to the Counter-Claim.

(b) If costs, as imposed is not deposited, this order shall stands cancelled, automatically.

(Ganesh A. Ghule)
3rd Joint Civil Judge, (Jr.Divn.)
Ichalkaranji.
JO Code : 2594.

Date : 18/04/2024.