

MHKO050033542022



R.C.S. No.341/2022.

Javed V/s. Abdul.

Order passed below Application Exhibit – 35.

1. By filing present Appln., the learned counsel for the Plff. prays that, “No WS to the Counter-Claim Order” Dtd.04/07/2024 be set aside and he be permitted to place on record the WS. Main thrust of his argumt. is that, if permission, as sought is granted, no prejudice would be caused to the Opposite Side. *Per contra*, 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.

2. (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 to the Counter-Claim Order” Dtd.04/07/2024 is set aside subject to costs of Rs.500/-.

(Ganesh A. Ghule)
2nd Joint Civil Judge, (Jr.Divn.)
Ichalkaranji.
JO Code : 2594.

Date : 29/08/2024.