

MHKO070006312017



**ORDER PASSED BELOW EXH. 39**

1. By way of this application defendant Nos. 5 and 6 have prayed to set-aside No W.S. order passed against them.

2. Plaintiff has filed his say and opposed to allow this application contending that, reasons stated in the application for setting aside No W.S. order are not proper. Hence, prayed for rejection of application.

3. Heard both side, gone through record. There appears to be delay of 3 months in filing W.S. on record. Reasons stated for delay are not properly explained. Still in the interest of justice and in order to decide suit on merit opportunity needs to be given to defendants to contest this matter by filing their Written Statement. So far as, delay is concerned same can be balanced by imposing cost on them. Hence, following order.

**ORDER**

1. No W.S. order passed against defendant No. 5

2

**Special Civil Suit No. 17/2017**  
**CNR NO.: MHKO07-000631-2017.**

and 6 is hereby set-aside, subject to payment of cost of Rs. 400/- payable by defendant No.5 and 6 jointly to the plaintiff.

Dt.: 1/10/2019.

**( K.G. Sawant )**  
Civil Judge Senior Division,  
**Jaysingpur.**