

1 **Special Civil Suit No. 32/2019**
CNR NO.: MHKO07-001221-2019

MHKO070012212019



ORDER PASSED BELOW EXH. 17

1. By way of this application, defendant No.2 has prayed to set-aside No W.S. order passed against him. It is contention of defendant No.2 that, notice was served on him on 29/7/2019. However, defendant could not get some document in relation proceeding between defendant No.1 and 2. Therefore, there is delay of 97 days in filing W.S.

2. Plaintiff filed his say and opposed to allow this application contending that, reason stated for delay are not proper.

3. Heard both side, gone through record. There appears to be delay on part of defendant. However in order to decide suit on merit opportunity can be given to defendant to file W.S. by imposing some cost on him. In result, I proceed to pass following order.

ORDER

1. Application is allowed.
2. No W.S. order passed against defendant No.2 is hereby set-aside, subject to cost of Rs. 300/- (Rs. Three hundred only) payable by defendant No.2 to the plaintiff on or before next date.

Dt.:16/03/2020.

Sd/-
Civil Judge Senior Division,
Jaysingpur.