



ORDER PASSED BELOW EXH.33
IN REGULAR CIVIL SUIT NO.131/2021

[CNR No.MHKO090002822021]

Perused application and say. Heard Ld. Advocates for both sides. The application is filed for setting-aside No WS order and to condone delay. The defendant no.2 has appeared in the suit after service of summons, but did not file written statement within 90 days. Hence, this application is filed.

2. Various grounds are raised in the application, like, non-availability of the documents, the party is not very much conversant in the prosecution of legal matters and the delay is not deliberate one, therefore, defendant no.2 could not file the written statement. On the other hand, it is submitted that all these reasons are false one.

3. After considering the reasons and nature of the suit, I find that opportunity is to be granted to the defendant no.2 to file the written statement. Rejection of the application may also cause undue hardship and create multiplicity in the proceeding. Hence, it can be taken on record by imposing cost.

4. Summons was served in November-2021. Considering length of delay and other circumstances, defendant no.2 shall pay

cost of Rs.750/- to the plaintiff. Hence, the following order :-

ORDER

1. The application is allowed subject to the payment of cost of Rs.750/- (In Words Rupees Seven Hundred Fifty Only). The cost shall be paid on or before next date.
2. The No WS order passed against defendant no.2 is set-aside and written statement will be taken on record on payment of cost.

Place : Gadhinglaj.
Date : 23.02.2024.

Sd/-
(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj