



**Reg.Civil Suit No.354/2012**  
(CNR No.MHKO110009362012)

**Order below Exh.33**

1. The defendant No. 2 and 3 have filed this application for setting aside 'No W.S. Order' dated 04/12/2012. The defendant No.2 and 3 have submitted that, as defendant is 73 years old and defendant No.2 is handicapped person, they could not file their written statement and say within stipulated period. They further submitted that, if the opportunity of filing W.S. and say is not granted to them, irreparable loss will be sustained to them. Hence they prayed for setting aside 'No W.S. Order'.

2. The say of plaintiff was called. The plaintiff has strongly objected the application by stating that, the contents of the application are not true and correct. They deliberately caused delay in filing written statement and say. Hence he prayed to reject the application.

3. Heard. Perused the record and documents. On perusal it reveals that, after service of summons, the defendant No.1 to 3 duly appeared before the Court on 09/12/2012, however defendant No.2 and 3 failed to file their written statement and say within stipulated period. Considering the nature of suit, the matter needs to be decided on merits and for that purpose, it is necessary to give an opportunity to the defendant No. 2 to 3 for filing their say and written statement. On the other hand, the plaintiff needs to be compensated by imposing costs on defendant No.2 and 3. Hence I pass the following order -

## **ORDER**

- 1) The application is hereby allowed.
- 2) 'No W.S.' order passed on 04/12/2012 against defendant No.2 and 3 is hereby set aside subject to costs of Rs.2,000/- (Rs. Two Thousand), it be paid to the plaintiff.
- 3) The defendant No.2 and 3 are hereby permitted to file their written statement and say on record.
- 4) The written statement and say filed by the defendant No.2 and 3 be taken on record after the payment of costs.

Date : 07/12/2019  
Peth-Vadgaon

( J. S. Gaikwad )  
Civil Judge Jr.Dn., Peth-Vadgaon