



Niranjan Sutar Vs. Dattatray Sutar etc.

CNR - MHKO130001942020

**ORDER BELOW EXH. 32 IN R.C.S.No. 28/2020**

1. This application is filed by defendant no. 1 & 3 to setting aside no W.S. order passed against them.
2. It is submitted on behalf of learned advocate of the defendant no. 1 & 3 that, there is no intentional delay to file W.S. Further, due to pandemic situation client could not approach to their advocate. Hence, prayed to set aside no W.S. order with permission to file W.S.
3. Say to this application filed by plaintiff. It is submitted that, there is intentional delay. This application is filed just to prolong the matter. Alternatively, prayed to reject the application with alternate prayer of costs of Rs.5000/- in case the court permits the defendant no. 1 & 3 to file their W.S. by setting aside order passed against them.
4. Perused the record. Heard both the parties.
5. Record does not indicates that, due to any disability or otherwise due to medical reason he could not approach before the Court. However, in the interest of justice and considering nature of suit, reasons mentioned in the application with delay caused, it is just and proper to set aside no W.S. order passed against defendant no. 1 & 3 by imposing costs of Rs.1,000/- upon defendant no. 1 & 3 same shall be paid to the plaintiff on or before next date. If the defendant no. 1 & 3 failed to paid the costs on or

before next date, the suit shall proceed from the earlier stage of Exh. 32.

Kagal  
Date:- 02/04/2024

(B.D.Gore)  
Civil Judge Junior Division,  
Kagal.