



Pandurang Patil Vs. Raghunath Patil etc.

CNR - MHKO130005112023

ORDER BELOW EXH. 19 IN R.C.S.No. 74/2023

1. This application is filed by defendant no. 2, 3(A) & 3(B) to setting aside no w.s. order passed against them.

2. It is submitted on behalf of learned advocate of the defendant no. 2, 3(A) & 3(B) that, there is no intentional delay to file w.s. Defendant no. 2 is suffering from fracture of his arm before the date. Therefore, he could not approach his advocate for filing of w.s. Further, defendant no. 3(A) & 3(B) is busy in harvesting of soyabean and rice. Therefore, they could not approach their advocate for filing of w.s. 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 by imposing heavy costs upon defendants. Hence, urged to reject the application.

4. Perused the record. Heard both the parties. Considering nature of suit, reasons mentioned in the application and delay caused, relation between parties, it is just and proper to set aside no w.s. order passed against defendant no. 2, 3(A) & 3(B). Further, considering of age of defendant no. 2 as well as his inability to approach before Court due medical reason and defendant no. 3(A) & 3(B) being women, costs is not imposed. Hence, application is allowed and w.s. be exhibited. No order as to costs.

Sd/-

Kagal
Date:- 22/01/2024

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