



Swapnil Shinde Vs. Sagar Patil

CNR - MHKO130010382022

COMMON ORDER BELOW EXH. 24 & 25 IN
R.C.S.No. 120/2022

1. These applications is filed by defendant to condone the delay and setting aside no W.S. order.
2. According to the defendant, the cause of action survive. It is argued that, due to medical emergency, he could not approach before the Court. Moreover, defendant has no knowledge of law. Therefore, he could not approach before his advocate within time to set aside the condone. Hence, he prayed to set aside the no W.S. order by condoning delay in the suit.
3. Contrary, learned advocate of plaintiff has filed say overleaf of this application and submitted that, this application is totally false, illegal and deserves to be dismissed. Further, defendant has take many date and prolonged the matter. Therefore, application be rejected with heavy cost of Rs.5,000/-.
4. I have perused the record. Heard learned advocate of both the parties.
5. In the present matter the reasons are justified. Moreover, delay is considerable. For proof of reasons mentioned in the application, the defendant has not filed any medical documents. Be it so, application is supported with affidavit. Considering, time to file W.S. i.e. 30 days, the application is beyond limitation. However, delay is required to be granted

generally and liberally. Further, to defend the suit is natural or right of party. Therefore, the applications (Exh.24 & 25) are required to be allowed with aggregate costs of Rs. 350/-. In the result, applications are allowed on payment of costs same be paid to the plaintiff on or before next date. On payment of costs W.S. be exhibited, failure on part of defendant to pay costs, the suit shall be proceeded from earlier stage.

Kagal
Date:- 05/04/2024

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