

ORDER BELOW EXH- 16.

Heard, finally with the consent of counsels for parties.

2. It is contention of defendant no. 1 that, after appearance due to non availability of old material documents he could not able to filled his W.S. within time. For securing his rights filled this application and prayed to set aside no W.S. order. Plaintiff opposed to same and contention that, reasons sought by defendant no. 1 is not justifiable. He is permanently resided at Aardar and easily got documents. However, he has not filled document which he has collected with copy of W.S. on record. Thus, prayed to impose heavy cost.

3. Record shows that, suit summons have been duly served to defendant no. 1 on 25.06.2025 and appeared on 30.06.2025. However, failed to filled W.S. till 08.12.2025. Therefore, no W.S. order passed against him. This defendant no where pleaded the delay caused to filed W.S. As per record he ought to be filled his W.S. on or before 25.07.2025. He has filled this application today. He cause more than six months delay.

4. Further, he has not filled single document on record to support his contention for causing delay. The overall conduct of this defendant shows that, he is not diligent to proceed with suit. However valuable property right of defendants involved in present suit. The W. S. of defendants is just for final decision of suit. Excepts this defendant no one contest suit. He has filed copy of his W. S. with this application. No prejudice would be caused to the plaintiff, if application allowed.

Therefore, some cost need to impose over them for delay. Thus, I pass following order,

ORDER

1. Application is allowed, subject to cost of Rs. 300/- paid to Legal Aid, Ajara.
2. The delay of approx six months caused to file W. S. by defendant no. 1 hereby condoned.
3. After compliance of an order, W. S. of defendant no. 1 be R & R.
4. Parties to take note.

(R. P Thore)

J.O.Code No.MH02897

Civil Judge, Junior Division,

Ajara.

Place- Ajara.

Date- 02.02.2026.

