

MHKO160001342020 	<u>Order below Exh.21 in R.C.S.No.22/2020</u>
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1. Defendants have filed this application for setting aside no W.S. order and for condonation of delay for filing W.S. It is submitted by defendants that due to lack of legal knowledge and as they could not visit to their learned advocate in this matter, they could not file their W.S. within time, and, the delay caused. The delay of five years six months caused to file their W.S. and the delay not intentional. They further submitted that if the delay is not condoned, they will suffer irreparable loss. Hence, they pray for condonation of delay and set-aside no W.S. order passed against them.

2. Plaintiff filed say below the application and objected that the actual reasons for the delay are not mentioned, the contents of the application are false and prayed to reject the application. Alternatively, plaintiff prayed that the application may be allowed by imposing cost of Rs.25,000/-

3. After hearing both the parties and perusal of documents on record, it reveals that defendants have not given satisfactory reason for non filing of W.S. within time. Delay of five years six months caused to file their W.S. and the delay is not satisfactorily explained. The delay is huge. However, as per the principle of natural justice, it is important to give a reasonable opportunity to the other side to defend their case. As

discussed supra, even though, the delay is not satisfactorily explained; it is important to give an opportunity to defendants to defend their case in order to bring on record their defence. At the same time the huge delay caused needs to be compensated on appropriate cost. No prejudice will caused to the plaintiff if this application is allowed. Considering all the facts, this court finds to grant this application. Hence, following order :

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ORDER

1. Application Exh.21 is hereby allowed.
2. No W.S. order passed against defendants is hereby set-aside and the delay caused for filing their W.S. is hereby condoned subject to cost of Rs.2,500/- to be paid to the plaintiff till next date.

Shahuwadi
Date : 28/11/2025

(P. B. Pawar)
Civil Judge, Jr. Division,
Malkapur-Shahuwadi