


<p>MHKO160002162016</p> 	<p><u>Order below Exh.29 in R.C.S.No.67/2016</u></p>
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1. Defendant Nos.1,3 & 7 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 un-availability of some important documents from revenue office; they failed to file W.S. within time. The delay of 3255 days 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, to avoid multiplicity of proceeding, they pray for condonation of delay and set-aside no W.S. order passed against them.

2. Plaintiffs filed say below the application and submitted that the reasons mentioned are false, defendants have intentionally caused the delay, they have not given any specific reason in the application and prayed to reject the application. Alternatively, plaintiff prayed that the application may be allowed by imposing maximum cost.

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 3255 days caused to file their W.S. and the delay is not satisfactorily explained. 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 delay caused needs to be compensated. It is also important to note that due to failure of plaintiffs to take proper steps, the case was kept for dismissal order. Plaintiffs have also caused delay in taking appropriate steps as well as filing say to the present application. Therefore, no prejudice will be caused to the plaintiffs if this application is allowed. Considering all the facts, this court finds to grant this application. Hence, following order : -

**ORDER**

1. Application Exh.29 is hereby allowed.
2. No W.S. order passed against defendant Nos. 1,3 & 7 is hereby set-aside and the delay caused for filing their W.S. is hereby condoned subject to cost of Rs.1,000/- to be paid to the plaintiffs till next date.

**Shahuwadi**  
**Date : 21/11/2025**

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