

MHKO160000872018 	<u>Order below Exh.14 in R.C.S.No.116/2022</u>
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1. The defendant has filed this application for for setting-aside no W.S. and say order passed against her. According to defendant, due to her old age and lack of knowledge legal proceedings, she could not visit and inform to her advocate and cannot file her W.S. and say within stipulated time. The W.S. and say of the defendant is necessary to decide this suit on merit. If the application is not allowed then she will suffer irreparable loss. Hence, she prays for setting-aside no W.S. and say order passed against her

2. Plaintiff objected to the application stating that the reasons mentioned in the application of the defendant are false and bogus. The reasons are not sufficient to allow the application. Hence, plaintiff prayed to reject the application. Alternatively plaintiff pray that if court comes to the conclusion to allow this application then cost of Rs.2,000/- be saddled on the defendant. .

3. After hearing learned advocates of both the parties and perusal of documents, this court finds that, due to old age of defendant and lack of knowledge legal proceedings, defendant could not file her say within stipulated time, hence, it is not intentional. The W.S. and say of the defendant is important to decide this suit on merit. No prejudice will caused to the plaintiff if this application is allowed, she can be compensated by money. Considering all the facts, this court finds to

grant this application. Hence, following order -

ORDER

1. Application Exh.14 is allowed.
2. The no W.S. and say order passed against defendant is hereby condoned subject to cost of Rs.300/- to the plaintiff till next date.
3. After payment of the cost, the W.S. and say of defendant will be read and recorded.

Shahuwadi
Date : 13/06/2023

(Amol Shriram Shinde)
Civil Judge, Jr. Division,
Malkapur-Shahuwadi