


<p>MHKO160007882021</p> 	<p><u>Order below Exh. 23 in R.C.S.No.108/2021</u></p>
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1. The defendant nos 3 and 4 have filed this application for setting-aside no W.S. and no say order passed against them. According to defendant nos 3 and 4, due to unavailability of their advocate and due to illness of husband of defendant no. 4, they could not file their W.S. and say within stipulated time. The delay is not intentional. The W.S. and say of the defendant nos 3 and 4 is necessary to decide this suit on merit. If defendant nos 3 and 4 have not file their W.S. and say, they will suffer irreparable loss. Hence, they prays for condonation of delay. Plaintiff objected to the application stating that the reasons mentioned in the application are false and incorrect, also no evidence produced regarding the said contention, hence prays to reject the application. Also, the alternative prayer of the plaintiff is that cost of Rs.1,000/- be imposed on defendant nos 3 and 4. The grounds mentioned in the application are not justifiable. If court comes to the conclusion that the application is to be granted, then, a sum of cost be saddled on the defendant nos 3 and 4. After hearing both the parties, this court finds that due unavailability of their advocate and due to illness of husband of defendant no. 4, it is not intentional. The W.S. and say of the defendant nos 3 and 4 are important to decide this suit on merit. No prejudice will caused to the plaintiff if this application is allowed. Plaintiff can be compensated by money. Considering all the facts, this court finds to grant this application. Hence, following order -

ORDER

1. Application Exh. 23 is allowed.
2. The no W.S. and no say order passed against defendant nos 3 and 4 is hereby set-aside subject to cost of Rs.500/- to the plaintiff till next date.
3. After payment of the cost, the W.S. and say will be read and recorded.

Shahuwadi
Date : 22/06/2022

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

CERTIFICATE

I affirm that the contents of this [P.D.F.](#) file judgment are same, word to word, as per the original judgment.

Name of the Stenographeis	P. A. Vasudeo
Name of Court	Amol Shriram Shinde, C.J.J.D & J.M.F.C. Malkapur-Shahuwadi
Date of Dictation	22/06/2022
Judgment signed by the P.O.on	22/06/2022
Judgment uploaded on	22/06/2022