

MHKO180007922024

**Reg. Civil Suit No.179/2024.**



Rajendra Pandurang Jadhav-Patil

*Versus*

Dipak Pandurang Jadhav-Patil

**Order below exhibit 19.**

Defendant No.1 has filed this application for setting aside No WS/Say order passed against him.

02. Perused the application and say. Heard both sides.

03. It is the contention of defendant No.1 that, he appeared in the suit after service of summons. It is his contention that, he was out of station for his work for some time. Hence, he could not manage to meet his counsel to file Written Statement/Say. Hence, No WS/Say order is passed against him which needs to be set aside. Hence, he has filed this application and prayed to allow it.

04. On the other hand, plaintiff has strongly opposed the application by filing his say. He submitted that, the contents of application are false and frivolous. The reasons stated in the application are not just. Thus, he prayed to reject this application.

05. Perusal of record reveals that, despite ample opportunities defendant No.1 did not file his Written Statement/Say within stipulated period. Therefore, 'No WS/Say' order got passed below Exh.1. Perusal of the present application goes to show that the present defendant No.1 has not intentionally failed to file his Written Statement/Say. He was

prevented by sufficient cause. This submission is supported by the affidavit. However, considering the rules of natural justice i.e. principle of *audi alteram partem* i.e. *no party shall be condemned unheard*, the application deserves to be allowed. At the same time, the delay caused needs to be compensated. Hence, I pass the following order:-

**ORDER**

1. Application is allowed subject to costs of Rs.300/- to be paid to the other side.
2. No Written Statement Order passed against defendant No.1 is hereby set aside.

Place: Kurundwad.  
Date: 17/06/2025.

(Smt. V. R. Mane)  
Jt. Civil Judge Jr. Dn., Kurundwad.