

MHKO190000262022



ORDER PASSED BELOW EXH.17

IN

R.C.S No.09/2022

**Nalini Namdev Revdekar tarfe Shri. Namdev
Nivruti Revadekar Vs. Shekhar Vilas Chavan
(Date:21/08/2023)**

Defendant Nos.1 and 3 have filed the present application for setting aside No W.S order passed against them.

2. The plaintiff has filed her say on the application itself and strongly opposed the application.

3. Heard the Ld. Advocate for the plaintiff. The Ld. Advocate for defendants absent when called on. Perused the record. It appears that the plaintiff has filed present suit for the relief of declaration and perpetual injunction. The subject matter of the present suit is an immovable property. The valuable rights of defendants are involved in it. If the suit is proceeded without W.S of the defendants, then it would be cause prejudice to their rights.

4. Considering the above said discussion, I am of the view that delay in filing W.S is to be condoned and permission to file W.S is to be granted by setting aside No W.S order passed against defendant No.1 and 3. For delay, costs of Rs.500/- is to be saddled upon defendants. In the result I pass following order.

- ORDER -

1. The application below Exh.17 is allowed and defendant Nos.1 and 3 are permitted to file their W.S by condoning delay subject to costs of Rs.500/- payable to the plaintiff.

2. Defendant Nos.1 and 3 shall pay the costs amount to the plaintiff on or before next date.

3. Parties to comply accordingly.

Date:30/08/2023

(D. M. G. Malidwale)
Civil Judge Junior Division,
Radhanagari.