

MHKO190001352021ORDER PASSEED BELOW EXH.24INR.C.S. No.57/2021

(Smt. Malubai Shamrao Kudle etc. 3 Vs
Shri. Baburao Ganpati Kudle etc. 16)

(Date:05/05/2025)

Defendant Nos.3, 5, 7, 10 and 16 have filed the present application for setting aside No Written Statement (in-short WS) order passed on 28/02/2022.

2. Defendant Nos.3, 5, 7, 10 and 16 contended that as all of them are residing at their matrimonial houses, they could not give necessary information to their advocate within time. They further submitted that their application be allowed in the interest of justice.

3. The plaintiffs have filed their say on the overleaf of the application and opposed the application. In the alternative they prayed for imposing heavy costs of Rs.10,000/- if the application is allowed.

4. Perused the record. Heard Ld. Advocate for the defendant Nos.3, 5, 7, 10 and 16 and Ld. Advocate for the plaintiffs. Considered the submissions.

5. The matter is yet pending for deciding application at

Exh.5. If the suit is proceeded without W.S of defendants, then it would cause prejudice to their rights. It is necessary to reiterate the cardinal principal of natural justice that no one should be condemned unhurt. Considering such, it is just and proper to set aside No WS order and to permit the defendant Nos.3, 5, 7, 10 and 16 to file their say and written statement. Defendant Nos.3, 5, 7, 10 and 16 have appeared on 24/11/2021. No WS order was passed on 28/02/2022 and the application is filed on 25/11/2022. Considering the delay of 1 year to file the WS, the application is allowed subject to costs of Rs. 700/-(Rs. Seven Hundred Only) payable to plaintiffs.

sd/-

(N. P Kakade)

Date:05/05/2025

Jt. Civil Judge Junior Division
Radhanagari.