

**Order below Exh.43 in RCS No.319/2018**

By this application defendants have requested to set aside the no additional WS order dated 19/10/2024 passed against them, on the grounds mentioned in the application. Plaintiff has raised strong objections. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively. Record shows that the application filed by plaintiff under Order VI Rule 17 CPC vide **Exh.39** came to be allowed by order dated 23/07/2024 and accordingly, the plaint came to be amended. Plaintiff has submitted copy of amended plaint on 09/09/2024. On 04/10/2024 the matter came to be adjourned on the oral request of learned advocate for defendants. On 19/10/2024, defendants failed to file additional WS and thus, the impugned order came to be passed. This application came to be filed on 06/12/2024 i.e. approximately after more than 2 months after submission of copy of amended plaint. This delay can be compensated by imposing cost upon defendants. However, in my opinion, permission to file additional WS requires to be granted. Hence, I pass following order:-

**ORDER**

1. No additional WS order dated 19/10/2024 passed against defendants is set aside subject to cost of Rs.200/- to be payable by them to plaintiff today itself.
2. As plaintiff has acknowledged the cost amount, the additional WS filed by defendants be taken on record.

Date :02/01/2025

(Ashish B. Marlecha)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.