

MHLA110004252022



Order below Exh.40 in Spl.CS No.45/2022

Kalpana Vs. Vilas

By this application defendant No.6 has requested to grant permission to file her WS/say, on the grounds stated in the application. Plaintiffs have filed their say and 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 plaintiffs have filed this suit for declaration and perpetual injunction. Defendant No.6 appeared through her counsel on 29/07/2022 vide **Exh.18** and sought adjournment only on that date for filing her WS/say. Thereafter, she failed to seek adjournment and also failed to file her WS/say. This application is filed by defendant No.6 on 28/02/2024 i.e. approximately after more than one and half years of her appearance. Be that as it may. Considering the grounds mentioned in the application, this delay can be condoned by imposing cost upon defendant No.6. However, permission to file WS and contest the claim of plaintiffs on merits needs to be granted. It is only possible by permitting defendant No.6 to file her WS. To grant an opportunity of fair trial and to follow the principles of natural justice, I pass following order:-

ORDER

1. Defendant No.6 is hereby permitted to file her WS/say subject to cost of Rs.1,500/- to be payable by her to plaintiffs on or before next date.
2. After payment of cost amount and its acknowledgment by plaintiffs, the WS/say filed by defendant No.6 be taken on record.

Date : 09/09/2024

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