

RCS No. 394/2014  
Rajkumar -Vs.- Prabhawati

**ORDER BELOW EXH. 54**

(Passed on : 12.01.2017)

01. Perused application and say filed by plaintiff on the application itself. He has pleaded that inordinate delay is not properly explained. The defendant who is accused in the relevant criminal case having knowledge of the matter.

02. Heard learned counsel for both parties at considerable length. Perused case record. This application is filed by defendant No. 3 for setting aside no W.S. order. Case record indicates that the defendant No. 3 is added on 07.10.2016 and no W.S. order is passed on 05.12.2016. The application is filed on 19.12.2016. I am of the view that it is necessary to provide an opportunity of defence to the defendant. However, he has to suffer for delay. Hence, this application is allowed. No W.S. order passed against defendant No. 3 is set aside subject to costs of Rs. 100/-.

Nilanga.  
Date : 12.01.2017.

Sd/-  
(R.N. Barad)  
Civil Judge Senior Division  
Nilanga.