

ORDER BELOW EXH. 83

(Passed on : 12.11.2019)

01. Present application is filed by defendant No.8 to set aside the 'No W.S.' order passed against him.

02. Read application and say filed thereon. Heard both the parties. The suit is for declaration of ownership and perpetual injunction. On perusing the record it appears that, No W.S. order came to be passed against the defendant No.8 on 02.04.2019.

03. It is the contention of the defendant No. 8 that due to illness he could not file the written-statement. Considering that the matter is in respect of immovable property, it will be just and proper to grant an opportunity to the defendant No. 8 to participate in the matter by accepting his W.S. The application is supported with the affidavit of defendant. Therefore, the ground mentioned appears to be correct to set aside the No W.S. order. The W.S. of the defendant No.8 will be helpful to decide the matter on merit. In these situation, it is necessary to impose costs on the defendant, so that, the plaintiff could be compensated for the delay occurred due to act of the defendant. Hence, I pass the following order,

ORDER

1. The application is allowed subject to costs of Rs. 300/-.
2. The defendant shall pay the costs on or before next date.

Sd/-

(R. P. Kulkarni)

Civil Judge Senior Division,
Nilanga.

Nilanga.
Dated : 12.11.2019.