

**Order below Exh.24 in RCS No.755/2021**  
**Govind Vs. Shesherao**  
**MHLA110006662021**

By this application defendant no.4 has requested to set aside the No WS/ Say order passed against him on the grounds stated in the application. Plaintiff has filed his say and raised strong objections. Perused application and say. Heard both the sides. Record shows that defendant no.4 had appeared through his counsel on 23/06/2022 but failed to file his WS/say, which resulted in passing the order in question. Considering the nature of suit, reliefs claimed and with a view to grant an opportunity of fair trial, in my opinion, it is necessary to permit defendant no.4 to file his WS/Say. No prejudice will be caused to plaintiff. However, while doing so, the delay of more than two months caused by defendant no.4 cannot be neglected and for that purpose it is necessary to impose cost upon him. Hence, I pass following order:-

**ORDER**

- 1) No WS/Say order dated 06/09/2022 passed against defendant no.4 is set aside subject to cost of Rs.250/- to be payable by hi to plaintiff on or before next date.
- 2) After payment of cost amount and its acknowledgment by plaintiff, the WS/Say filed by defendant no.4 be taken on record.

*Order dictated and pronounced in open court.*

Date :10/04/2023

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