

Order below Exh.30 in RCS No.1418/2022

By this application defendant Nos.1 and 2 have requested to set aside the no WS order passed against them on the grounds stated in the application. Plaintiff failed to file his say. Perused application. Heard learned advocate Shri J.V.Dhumal for defendant Nos.1 and 2, who submitted in the line of his application and requested to allow the same. Record shows that plaintiff has filed this suit for recovery of possession and perpetual injunction. Defendant Nos.1 and 2 appeared through their counsel on 07/12/2022 vide **Exh.10**. They sought adjournment for filing WS/say on several dates and at last, their application at **Exh.23** came to be rejected and no WS order came to be passed against them on 06/03/2023. This application is filed on 28/06/2023 i.e. approximately after more than three months of passing the impugned order. Let it be so. Considering the nature of suit, grounds stated in the application, rights of the parties involved and the loss which can be caused if the application is rejected, in my opinion, it is desirable that defendant Nos.1 and 2 be permitted to file their WS. However, while doing so, the delay of approximately more than three months caused by defendant Nos.1 and 2 cannot be neglected and for that purpose it is necessary to saddle cost upon them. Hence, I pass following order:-

ORDER

1. No WS order dated 06/03/2023 passed against defendant Nos.1 and 2 is hereby set aside subject to penalty of Rs.300/- to be deposited by them with Legal Aid Office, Nilanga on or before next date.
2. After payment of penalty amount and its acknowledgment by the concerned office, the WS/say filed by defendant Nos.1 and 2 be taken on record.

Date : 04/01/2024

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