



R.C.S. No.206/2022
Rajendra Vs. Zumabai & Ors.
CNR-No.MHLA120006092022

ORDER BELOW EXH.27

1. Defendant No.1 to 4 have filed the present application praying that No Written Statement (W.S.) order passed against them be set aside and thereby they may be permitted to file their W.S.

2. It is contended by defendant No.1 to 4 that due to non-collecting documents they could not file their W.S. within the prescribed period. Therefore, no W.S. order came to be passed against them. Lastly, they have prayed for allowing the application.

3. The plaintiff has failed to file his say, therefore, application proceeded without his say.

4. I have heard the Ld. Advocate for both the parties. Perused the record, it appears that suit is filed for perpetual injunction. Defendant No.1 to 4 have appeared in this suit, but failed to file W.S. within stipulated period. If the application is rejected then defendant No.1 to 4 definitely will suffer irreparable loss as they will be deprived from putting their say and however, if application is allowed, the plaintiff will not suffer any loss except delay. Therefore, considering the reason mentioned in the application, it will be proper to allow the application with costs. Hence, I pass the following order-

ORDER

1. Application at Exh.27 is allowed with costs of Rs.300/-.
2. No W.S. order passed against defendant No.1 to 4 is hereby set aside and delay in filing the W.S. is condoned after payment of costs.
3. After payment of costs of Rs.300/-, W.S. of defendant No.1 to 4 will be read and recorded.

Date : 14/03/2023

(**N.A.L. Shaikh**)
2nd Jt. Civil Judge J.D. Nilanga.