

MHLA130003282023

R.C.S No.87/2023
Shivaji Vs. Madhukar**Order Below Exh.22**

The present application is filed by defendant Nos.2 and 3 for setting aside 'No WS' order passed on 25.01.2024.

2. It is contention of application that, since some necessary documents have not received, defendants could not file their written statement within time, therefore 'No WS' order has been passed against them. Hence, they may be allowed to file their written statement.

3. The plaintiff replied no objection to this application.

4. Perused the application and say. Heard ld. Advocate for the parties. The suit is filed against the defendants for partition and separate possession. The valuable rights of parties in respect of suit property are involved in the suit. For proper adjudication the defendants are required to be heard. On the other hand, the plaintiff has not objected the present application. The inconvenience caused to plaintiff can be compensated

imposing costs on defendants. Considering the nature of suit and in the interest of justice, the application is allowed with following directions.

ORDER

1. Application Exh.22 is allowed and “No WS” order dated 25/01/2024 against defendant Nos.2 and 3 are hereby set aside subject to costs of Rs. 500/- to be paid to the plaintiff.

Sd/-

(K.K. Waghmare)
Jt. C.J.J.D., Renapur.

Dt. 05/12/2024.