

**Order below Exh.22 in R.C.S.No.671/2015**

( Waheda vs. Banubee and other )

This is an application filed by defendant No.2 for setting aside no WS order passed against him dated 14/11/2016. He urged that, the material rights in respect of immovable property of him is involved in the matter. Due to ill-literate and he was not received important documents, he could not given information regarding suit to his advocate. Hence he could not remain present and file his written statement within time. Lastly, he prayed to set aside the no WS order passed against him.

2. The plaintiff by filing say objected to grant the application and contended that the contents of this application are not proper one. Heard the respective learned advocates. To decide the matter on merit and to avoid the multiplicity of litigation, it is necessary to heard the other side. If the application is rejected, it may cause prejudice to defendants. Even more, the material right of defendant is involved in the matter. The grievance of the plaintiff may be compensated by saddling cost. Hence, following order.

**ORDER**

1. Application is hereby allowed.
2. No WS order against defendant No.2 is hereby set aside subject to cost of Rs.200/- (Rs.Two hundred only).
3. Written statement of defendant No.2 will be read and record after payment of cost.

Date : 30/03/2017

Place : Ausa.

( J. P. Sarpate )

2<sup>nd</sup> Jt. Civil Judge, J.D. Ausa.