

Order below Exh.19 in RCS No. 72/2018

(Deepali Vs.. Prakash & ors.)

CNR No.MHLA150003102018

Read the application and say filed thereon. Heard the learned advocates for both the parties.

2. This is an application filed by defendant no.1 to 4 for taking their WS on record by setting aside no WS order dated 11/09/2018. According to them, due to unavailability of necessary documents they cannot file WS within limitation. So, no WS order against them is passed on dated 11/09/2018. Hence, they prayed to allow the application. On the contrary, plaintiff submitted that, application be allowed subject to cost.

4. Considering submissions by both the parties and on perusal of the records of case it is seen that summons were duly served on dated 15/05/2018. However, defendant no.1 to 4 failed to file WS within limitation. No WS order was passed on 11/09/2018, present application is moved on dated 03/04/2019. There is delay of more than six months in filing this application. Though separate delay condonation application is not filed on record, defendant no.1 to 4 admitted that there is delay to filing WS. Though there is delay in filing this application, to adjudicate the case on merits and to give fair and reasonable opportunity, it will be just and proper to allow the application in the interest of justice. Moreover, the inconvenience caused to the plaintiff may be compensated by imposing cost. Hence, the following order.

Order

1. Application is allowed subject to cost of Rs.200/- each (Rs. Two hundred each only) to be paid to plaintiff.
2. No W.S. order passed against defendant no. 1 to 4 be set aside accordingly and their W.S. be taken on record after payment of cost.

Date : 15/06/2019

(Y.D. Koinkar)
Jt.Civil Judge J. D. Chakur