

MHLA170035362023



ORDER BELOW EXH.38 IN R.C.S. No.529/2023

1. Perused the application and say filed on behalf of the plaintiff thereon. Heard learned counsels for both sides. By way of present application defendant Nos. 6 as prayed for setting aside 'No Say' order passed against him dated 04/07/2025. It is further submitted on behalf of defendant Nos. 6 that, valuable interest of the defendant this defendant is involve in the instant matter and today state respondent no. 3 are ready filed W.S. hence prayed for seting-aside no W.S. Order and permission to granted filed W.S.

2. The application of the defendant No. 6 in strongly objected the application on the ground that the present application is time bar and the reson given in the application are not just and legal hence prayed for rejection application with costs.

3. From the perusal of the reason mentioned in the application and after going through the submission advanced on behalf of defendant Nos. 6 in my opinion considering the principles of natural justice, it is necessary to grant an opportunity to defendant Nos. 6 to

file their W.S. and contest suit on merit. Further, if the application is rejected irreparable loss will be caused to defendant Nos. 6. On the contrary no prejudice will cause to the plaintiff. Hence, I am inclined to allow the application and pass following order:-

ORDER

1. The application is allowed.
2. 'No W.S.' order dated 04/07/2025 passed against defendant 6 is hereby set aside.

(Dictated and pronounced in open Court.)

Date : 22/07/2026

(S. B. Patil)
Civil Judge Senior Division,
AUSA.