

MHND060003652024



R.C.S. No.47/2024,
Shivraya Vs. State & Ors.

ORDER BELOW EXH-25

This application is preferred by defendant Nos. 7 to 14, 17 to 19 and 28 to 30 to set-aside 'No W.S.' order passed against them. It is submitted that the false suit was filed by the plaintiff and already some suits are pending before this Hon'ble court. So also the matter in question is old one. Therefore, for obtaining the same time was consumed and within stipulated time the copies and information was not obtained Therefore, 'No W.S.' order came to be passed. They prayed to allow the application.

02. The plaintiff raised objection by contending that defendants appeared on 09.05.2024 whereas "no w.s." order came to be passed on 18.09.2024 and there is lapse of about 69 days. The defendants are intentionally causing delay at hence prayed for rejection of the application. In alternative prayed for cost of Rs. 2000/-, if application is allowed.

03. Heard Both sides. Perused the record of the suit. The perusal of the application goes to show that there are multiple proceedings pending. Some time is required to collect their copies and information. Now, that alternative say is filed considering the rules of natural justice i.e. principle of audi alteram partem, no party shall be condemned unheard. In result, by following the principle of natural justice, the application deserves to be allowed. Hence, the order :

ORDER

The 'No W.S.' order passed against the defendants stand set-aside subject to costs of Rs.100/- each be paid to the plaintiff.

Date : 27. 11. 2024.

(A.A.K. Shaikh)
Civil Judge Sr. Division,
Biloli.

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CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word, as per the original Judgment.

Name of the Stenographer : A.K.Shaikh

Court Name : Court of Civil Judge S.D. Biloli

Date : 27. 11. 2024

Judgment signed by the Presiding Officer on : 27. 11. 2024

Judgment/Order uploaded on : 27.11.2024