

MHND060005022021



R.C.S. No.57/2021,

Supriya & Anr. Vs. Nagorao

**ORDER BELOW EXH-34**

This application is preferred by defendant to set-aside order of 'No W.S.'. It is submitted that he was suffering from health problem i.e. disease jaundice and due to it he failed to appear before the Court, therefore, 'No W.S.' order was passed. Therefore, he prayed to allow the application.

02. The plaintiffs objected the application by filing their say on present application.

03. Heard both learned Advocates at length.

04. Perused the application, the say filed and the record of the case. It goes to show that the defendant was suffered from disease jaundice during that period and due to it he was absent, such absent was not intentional. These submissions are supported by the affidavit. Considering the rules of natural justice i.e. principle of audi alteram partem, no party shall be condemned unheard, the application deserves to be allowed. Hence, the order :

**ORDER**

The 'No W.S.' order passed against defendant stands set-aside subject to costs of Rs.500/-, be paid to the plaintiffs.

Date : 14. 06. 2024.

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

**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 : Syed Iftekharuddin Syed Arifuddin

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

Date : 14. 06. 2024

Judgment signed by the Presiding Officer on : 14. 06. 2024

Judgment/Order uploaded on : 14.06.2024