

MHND270004542019



**RCS No. 60/2019
Bahadur Vs Sudam**

ORDER BELOW EXH. 15 IN RCS No. 60/2019
PASSED ON THIS 6th February-2020

- 1) The defendant filed this application for setting aside “NO W.S. order ” passed below Exh.1 on 28-11-2019 against him.
- 2) Perused the application, affidavit in support of this application and say of plaintiffs on this application.
- 3) Heard Ld. Advocate Shri. Hamand for the defendant No. 2 and 3 and Ld. Advocate Shri. Patil for the plaintiffs.
- 4) I have given thoughtful consideration to the arguments advanced by Ld. Advocate for both parties.
- 5) Upon perusal of record and proceedings of the suit, it appears that, this Court on 18.11.2019 passed “No W.S.” order below Exh. 1 against defendant. The opportunity of hearing is to be given to the defendant. Best available evidence should be come before the Court and suit is to be decided on merit. Therefore, in order to avail opportunity of hearing, the “No W.S.” order is to be set aside. On the other hand no any prejudice will be caused to plaintiffs if no W.S. order is set aside and permission to file W.S. granted. However, delay caused to the proceeding can be compensated. Therefore, considering reasons, record and in the

interest of justice I am of the opinion that, this application is required to be allowed subject to costs of Rs. 300/-. Hence I pass following order.

ORDER

1	This application is allowed subject to cost of Rs. 300/-.
2	The “No W.S. Order” order dated 28.11.2019 passed below Exh. 1 against defendant is hereby set aside and permission to file W.S. is granted to him.

(Pronounced in open Court)

Date. 06.2.2020

(D.N.Chamle)
Civil Judge Junior Division,
Mudkhed, Dist. Nanded

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 :	RAUT M.G.
Court Name :	J.M.F.C. Mudkhed
Date :	06/02/2020
Judgment signed by the Presiding Officer on :	06/02/2020
Judgment Uploaded on :	06/02/2020

