

ORDER BELOW EXH. 28

(Order passed on 18th day of January, 2021)

[01] Present application is moved by the defendant no.1 to 12 for setting aside no WS order dt.24.02.2020 and permission to file the written statement on record. Perused the application and say. Heard both sides.

[02] It has been contended that as the material documents relied on by plaintiff was not supplied with the plaint and hence the applicants couldn't submit their W.S. within time. It has been contended that the counsel for applicants received one set of material documents relied on by plaintiff on 05.11.2019. This contention put fourth by applicants/defendants is seems to be supported with the material on record. Here, the applicants /defendant no.1 to 12 were duty bound to submit their W.S. within 90 days from 05.11.2019. However, near about 20 days delay is seems to be caused for submitting the W.S. So far as, delay is concern I think mere delay is not the ground for rejecting the application. For deciding the matter on merit the opportunity for

participating in the litigation needs to be given to the applicants. Hence, considering discussion given supra I proceed to pass the following order.

ORDER

- [01] Application (Exh.28) is hereby allowed subject to costs of Rs.300/- (Rupees Three Hundred only) payable to the plaintiff.
- [02] On payment of costs, written statement submitted by the defendant no.1 to 12 be taken on record.

[S.K.Fokmare]

Date : 18.01.2021

Civil Judge Senior Division, Umrer

Certificate

"I affirm that the contents of this P.D.F. file order are word to word same as per original Order".

Name of Stenographer : **Mr. Mahendranath D. Nagpure**
Stenographer (Grade III)

Court Name : Civil Judge Senior Division, Umrer

Date : 18/01/2021