

MHNS160005972025



R.C.S./117/2025

Madhukar Shankar Bhawar Vs. Babaji Vishwanath Bhavar

ORDER BELOW Exh. 13.

(Dated : 04.09.2025)

1] The present application is filed by defendant No. 1 for condonoing delay and setting aside no say/W.S. order in this matter. plaintiff has filed his say. Heard.

2] It is the contention of the defendant No. 1 that due to avoidable circumstances he unable to file his say/W.S. in this matter and therefore no say/W.S. order was passed against the defendant No. 1 and therefore the defendant No. 1 has filed the present application for condoning delay and for setting aside no say/W.S. order in this matter. The plaintiff has objected an application.

3] The suit is filed for declaration and common measurement. The defendant No. 1 appeared in this matter but thereafter remain absent and failed to file his W.S. within time. Considering the reason mentioned in the application it is appears that, the delay is not deliberate.

4] It is well known principle of law that "No one can go unheard". Therefore in order to decide the matter on merit an opportunity required to be given to the defendant No. 1 to file his say/W.S. on record. Hence following order :

ORDER

Application Exh.13 is allowed subject to cost of Rs. 500/- to be paid to the plaintiff and Rs. 200/- to TLISA. The defendant No. 1 is directed to comply on or before the next date and failure on the part of defendant No. 1 to comply the order the matter will be proceed further. Concern to take note of it.

Date : 04-09-2025

(S. S. Chhallani)

CJJD and JMFC, Chandwad

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