

MHNS160006602022



R.C.S./101/2022
Prabhakar Damodhar Pagare other 4 Vs. Dilip Mohan
Tribhuvan other 11
Order below Exh. 55.
(Passed On 19th September, 2025)

1. This is an application filed by the defendant No. 1 to 3 for setting-aside 'No W.S.' order passed against them.
2. The defendant has filed say at Exh. 57 and objected the application. Heard the arguments of both sides.
3. Advocate for applicant submitted that their delay to file W.S. was not deliberate. For just decision of case opportunity to put-forth thier defence needs to be granted. Advocate of other side opposed this application and contended that the instant application is not legal and correct. It is submitted that, the suit, summons was served to defendant No. 1 and appeared in this matter on 20.10.2022 and this application is filed on 30.06.2025 after adducing evidence by plaintiff vide Exh. 46. It is further submitted that, defendant No. 2 and 3 are son of defendant No. 1 and only to harrase the plaintiff they tried to prolonge the matter. The delay was not properly explained. Hence, considering the delay, the defendant prayed that the application has no merit and hence, prayed to rejected the application with heavy cost.
4. The defendant deliberately failed to filed W.S and the there is huge delay for filling W.S. It is submitted that, the suit, summons was served to defendant on 20.10.2022 and this

application is filed on 30.06.2025 after adducing evidence by plaintiff vide Exh. 46. Considering the nature of suit and reasons stated in the application in my view for just decision of case defence of defendants needs to be heard. The inconvenience caused to other side can be redressed by imposing cost. No much prejudice would be caused to plaintiffs. On the contrary, for efficient and full adjudication between the parties it would be proper to hear the defence of other side. Hence, I pass the following order :-

ORDER

1. The application Exh. 55 is allowed.
2. No W.S. order passed against defendant No. 1 to 3 is hereby set-aside and defendants are permitted to file W.S., subject to cost of Rs. 25,000/- to be given to plaintiffs on or before the next date without fail as a condition precedent, failure on the part of defendant to comply the order then the matter will proceed further. Concern to note and comply.

Place: Chandwad.
Date : 19.09.2025.

(S.S. CHHALLANI)
Civil Judge Junior Division,
Chandwad.