



R.C.S./148/2024

Husen Khan Pathan Vs. Abid Khan Husen Khan Pathan

Order below Exh. 18.

(Passed On 30th October, 2025)

1. This is an application filed by the defendant No. 1 and 2 for setting-aside 'No W.S.' order passed against them. Heard. Advocate for applicant submitted that their delay to file W.S. was not deliberate. For just decision of case opportunity to put-forth their defence needs to be granted. Advocate of other side opposed this application and contended that the instant application is not legal and correct and requested to rejected the application with heavy cost.

2. The defendant No. 1 and 2 appeared through advocate on 26.08.2024 however they failed to filed W.S. Say and therefore on 05.12.2024 without W.S. order was passed against them. The present application is filed on 16.09.2025. There is delay about more than one year. However, 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 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 is allowed.
2. No W.S. order passed against defendant No. 1 and 2 are hereby set-aside and defendants are permitted to file W.S., subject to cost of Rs. 2,000/- (two thousand) to be given to plaintiff and Rs. 200/- to TLSC, Chandwad on or before the next date without failed as a condition precedent.

Place: Chandwad.
Date : 30.10.2025.

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