

MHNS160017072024



R.C.S./292/2024
SAHEBRAO SHINDE Vs. RAGHUNATH SHINDE
Order On Exh. 53
(Dated : 11.11.2025)

1] The present application is filed by defendant Nos. 2, 3, 5, 6 and 8 to 11 for condoning 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 Nos. 2, 3, 5, 6 and 8 to 11 that due to avoidable circumstances he unable to file his say/W.S. in this matter and therefore the defendant Nos. 2, 3, 5, 6 and 8 to 11 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 1and perpetual injunction. defendant Nos. 2, 3, 5, 6 and 8 to 11 appeared in this matter on 11.06.2025 but thereafter remain absent and failed to file his W.S. within time. The present application is filed on 16.09.2025. However, 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 Nos. 2, 3, 5, 6 and 8 to 11 to file his say/W.S. on record. Hence following order :

ORDER

Application Exh.53 is allowed subject to cost of Rs. 700/- to be paid to the plaintiff and Rs.300 to TLSC, Chandwad. The defendant Nos. 2, 3, 5, 6 and 8 to 11 are directed to comply order on or before the next date and failure on the part of defendant Nos. 2, 3, 5, 6 and 8 to 11 to comply the order the matter will be proceed further. Concern to take note.

Date : 11-11-2025

(S. S. CHHALLANI)
Civil Judge J. D. Chandwad.