

**RCS NO.167/2013****Lata Jadhav V/s. Nivrutti Sonawane****MHNS230014532013****COMMON ORDER BELOW EXH.42 & 43.**

By way of application Exh.42 defendants no.04 to 07 are requesting to set aside no WS order passed against them and application Exh.44 is also filed requesting to accept the written statement cum counterclaim of defendants no.04 to 07 by condoning delay of 175 days.

02 Perused the entire record. Heard the learned advocate for the plaintiff and learned advocate for defendants no.01 to 03. Despite repeated calls, non present on behalf of defendants no.04 to 07. Defendants no.04 to 07 are the close relatives of the plaintiff. Thus, plaintiff has not objected for the grant of these applications. However, defendants no.01 to 03 appear to be the contesting parties. Therefore, the court is of the opinion that the controversy between parties has to be resolved on the basis entire available merit. The procedure is the handmaiden of justice. Therefore, applications Exh.42 and 44 requires to be allowed. However, at the same time cost has to be imposed on defendants no.04 to 07 for making delay. Hence, they are directed to pay a cost of Rs.500/- to defendants no.01 to 03. The payment of cost is condition precedent. Order accordingly.

Date :- 16.03.2021

(P. P. Giri)
Civil Judge Jr. Dn.,
Igatpuri