

ORDER BELOW EXHIBIT NO.16

This is an application filed by respondent No.1 for setting aside the order of No W.S. passed against him on 27.04.2023.

2 According to the respondent No.1 he did not filed the W.S. in time, so the Court passed an order of No W.S., on 27.04.2023. He further contends that respondent No.1 was not able to get the necessary information and documents, so he could not submit the W.S. in time. Now he is filing the W.S.. In the interest of justice, he prays the set aside the aforesaid order and accept his W.S.

3 The claimant filed his written say below the said application and strongly resisted it.

4 On the above controversial contentions following points arise for my determination and findings thereon are as under.

Sr.No.	Points	Findings
1	Whether the respondent No.1 has satisfactory grounds for not filing the written statement in time ?	In the affirmative
2	Whether the respondent No.1 is entitled for the relief of setting aside the order of No W.S. passed against him ?	In the affirmative.

REASONS

Point Nos.1 and 2 :-

5 For the sake of convenience, proper appreciation of the facts and circumstances and to avoid repetition of discussions, these points are decided simultaneously.

6 Heard Ld. Adv. Shri. B.N.Karanjkar on behalf of respondent No.1 and Ld. Adv. Shri. M.B.Deshmukh on behalf of claimant. According to respondent No.1 he ought to have filed his written statement in time, but he not able to get the necessary information and documents, so he could not file the written statement within time. There is no reason to disbelieve it. In the interest of justice it is just to give a fair chance to the respondent No.1 to file his written statement. He has made out satisfactory grounds for setting aside the order of No W.S. passed against him. Hence, point No.1 and 2 are answered in the affirmative. In the result, I pass following order.

ORDER

1 Application is allowed. The No W.S. order passed against respondent No.1 is set aside.

Date : 17.08.2023.

(K. A. Bage-Patil)
Member M.A.C.T.,
Osmanabad.

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment/order are same, word to word, as per the original Judgment/order.

Name of Stenographer	--	S.H.Kale, Stenographer (Grade-I)
Court	--	District Court-2, Osmanabad.
Date	--	17.08.2023
Order signed by the Presiding Officer on	--	17.08.2023
Order uploaded on	--	19.08.2023