

R.C.S. No. 4/2023
Nita M. Lascari

Order Ex. No. 34

(Passed on 13.10.2023)

Def. Nos. 1, 2 & 5 have filed this application for setting aside New Say New w-s order on the ground that due to lack of information & knowledge they were prevented to file w-s in time & New say order came to be passed against them. They prayed for permission to contest suit by filing w-s.

Plaintiff by way of filing say strongly oppose application on the ground that reasons given in the applications are not satisfactory. Deliberately at belated stage present application is filed by defendant to cause delay in the proceeding & harass to right of plaintiff in the suit properly & prayed for its rejection. Alternatively prayed for cost of Rs. 25000/- if application is allowed.

Perused record. Heard ld.
Adv. for Plaintiff. Def. No.
1, 2, 5 & their ld. Adv. are
absent when called out
for argument. Proceeded
without their argument.

Perused record. Suit
is for partition & separate
possession. No say - w-s order
passed against def. No. 1, 2, 5
on 1.3.20. Apparently it is
clear that belated appearance
application is filed on record. But
having regard to the nature
of suit, opportunity of hearing
needs to be given to the
defendant & no prejudice would
cause to plaintiff if it is allowed.
Delay also needs to be compe-
sated in terms of money.
Accordingly, I passed the following
order.

Order

- 1) Application stands allowed.
- 2) No say - w-s order passed
against def. No. 1, 2, 5 stands
set aside subject to cost Rs.
500/- each.

Bluepet
13.10.20
P. S. Sedhan.