

**ORDER BELOW EXH. 51**

Defendant Nos.1 to 3 have filed application for set aside No W.S. and no say order against them. It is contention of defendants that defendant No. 1 to 3 that defendants had not obtained necessary documents. Defendants have not intentionally delay to file written statement and say within stipulated period. If written statement and say of defendants are not accepted it become loss to defendants. Therefore, they prayed that application may be allowed. Plaintiff has filed say and resist application. It is the contention of plaintiff that application is not main-tenable. The reasons which are mentioned in this application are not true and correct. Defendants are intentionally delay to filed written statement. Hence application may kindly rejected with costs.

2- Considering the rival contentions of both parties, following points arise for my determination and my findings on it and reasons therefore are as follows:

| POINTS                                             | FINDINGS                |
|----------------------------------------------------|-------------------------|
| 1- Whether the application deserves to be allowed? | ... In the affirmative. |
| 2- What order ?                                    | ... As per final order. |

**REASONS****As to Point No.1:**

3- After perusal pleading of plaintiff it appears that suit filed for declaration and injunction against defendants. Considering nature of suit it seems that it is justified that defendant No.1 to 3 have given opportunity to filed their written statement and say . Hence I held that application deserved

to be allowed with costs. Hence I answer issue No. 1 is Affirmative and as to issue No. 2 passed following Order.

**ORDER**

- 1- Application is allowed subject to cost of Rs. 300/-

Date : 16.08.2022.

Sd/-  
(Smt. J. N. Yadav)  
Jt. Civil Judge Senior Division,  
Paranda.