
ORDER BELOW EXH. 15 IN R.C.S. NO. 88/2017
(CNR NO.MHOS 150001402017)
(MAHADEO FARTADE V/S. UTTAM WAGH AND
OTHERS)

Perused the application and say filed by plaintiff side.
Heard. Perused all relevant documents.

This application is filed for setting aside No. W.S. order dated 11/09/2017 passed below Exh. 1. against defendant No. 1 & 3. In support of contents of present application affidavit is filed stating reason for failure to file W.S. within time. Though plaintiff side has objected this application, on perusal of the record, it appears that this suit is filed in respect of an immovable property. The grounds mentioned by plaintiff side in the say are not sufficient to reject this application. Considering the nature of the suit, in order to settle actual controversy between both parties completely, it will be just and proper to allow the defendant side to file W.S. on record subject to cost for inconvenience caused to the plaintiff side due to non filing of W.S. within prescribed period. Considering all facts and circumstances it will be just and proper to allow this application subject to condition to pay cost to the plaintiff side on or before next date.

Therefore, in view of above discussion, in the interest of justice, I pass the following order.

ORDER

- 1) Present application is allowed in following terms.
- 2) No W.S. order dated 11/09/2017 passed at Exh. 1 against defendant No. 1 & 3 is hereby set aside subject to condition that defendant No. 1 & 3 shall pay Rs.300/- each (Total Rs. 600/-) as a cost to the plaintiff side on or before next date without fail.

Date:- 07/04/2018
Paranda

Sd/-
(**Sachin S. Patil**)
Jt. Civil Judge, J.D.Paranda,
Dist.Osmanabad.