

R.C.S. No. 386/2013
Dattu Vs.Ramdas and Oths.
CNRNO.MHOS150008092012

ORDER BELOW EXH. 39

1] This is an application made by the defendant no. 1 for setting aside no W.S. order. According to him lack of documents prevented him from filing written statement in time.

2] Perused the application, affidavit in support and say of the plaintiff.

3] No prejudice will be caused to the plaintiff if the application is allowed. Rather multiplicity of proceedings will be avoided and real controversy between the parties will be adjudicated on merits. At the same time as the defendant no.1 as not filed written statement in time. He has not filed his written statement for more than four years. Hence I hold that heavy costs must be saddled on him. In the result, I pass the following order

ORDER

Application at Exh. 39 is allowed on payment of Rs.2000/- (Rupees Two Thousand) by the defendant no.1 as costs to the plaintiff of counter-claim.

Date : 10/12/2018

Sd/-
(Mahesh Sowani)
Jt. Civil Judge J.D., Paranda.