

R.C.S.No.1047/2015
Shriram/Nandabai

ORDER BELOW EXH.18

1) Perused the application filed by defendant no. 3 and 4 for setting aside No W.S. order passed against them. It is contended that, defendant No. 3 & 4 are agriculturist and they could not obtain the old mutation extracts and other related documents within time. Therefore, they could not file their written statement within time. It is contended that irreparable loss would be caused to them if the W.S. is not taken on record. The learned advocate on behalf of plaintiff objected the application. It is contended that the reason mentioned in the application is not satisfactory. The old mutation extracts have not been filed along with the written statement. Hence, prayed for rejection of the application.

2) Heard both the sides. Perused the record. No W.S. order has been passed on 12.04.2016. Summons were served on 12.01.2016. The application is moved on 14.12.2016. There is a delay of almost eight months. The reason put forth by the defendants does not appear to be convincing. However, considering the principle that every suit should be heard and decided on merits, the application deserves to be allowed. Further, if the W.S. of defendant is not taken on record, it would certainly cause irreparable loss to the defendants. The plaintiff can be compensated by way of costs. The present application, if allowed, would certainly help this court in deciding the suit on merits. Hence, the application deserves to be allowed, however subject to costs of Rs. 400/-. Hence, the following order:

ORDER

The application is allowed subject to cost of Rs.400/- to be paid on or before next date.

Date:- 15/02/2017

Sd/-
(**Smt. D.S.Chothe**)
2nd Jt.Civil Judge J.D.,Paranda