

ORDER BELOW EXHIBIT 27 IN RCS No. 40/2019

1. This is an application filed by defendant no.8 to set aside No WS order passed against him on 16.08.2019. Peruse application and say filed by the defendant. Heard both advocate at length.

2. It is the contention of the defendant no.8 that he did not get requisite document due to the strike of revenue employee. Therefore he was not able to file the WS within stipulated period. This court passed No WS order on 16.08.2019. It is an important for defendant no.8 to file WS to enable the Court to decide the matter on merit. Therefore he prayed for allowing his application.

3. The plaintiff filed his say and strongly opposed this application. He submitted that the defendant no.8 deliberately and purposefully did not file WS despite the fact that he was aware of the proceeding of the case. The reason cited for setting aside the No WS order are not justifiable. Hence he prayed for rejection of this application. However plaintiff submitted the if court is of view that the application may be allowed in the interest of justice, the application is allowed subject to heavy cost

4. It appears from perusal of application that the reason given for setting aside the No WS order are not supported by any documentary evidence due to which they are not justifiable. However it is well settled principle of law that procedure is hand made of justice and justice cannot be denied for not adhering to the procedure when the non following of the procedure can be corrected. Prejudice caused to the plaintiff can be compensated by imposing the cost on defendant no.8. Hence in the

interest of justice I am inclined to allow this application with following order.

Order

1. Application is allowed subject to cost of Rs.1000 to be paid to the plaintiff within 45 days from the date of this order.

2. No WS order in respect of defendant no.8 is hereby set aside.

3. Defendant no.8 to take note that cost is to be paid within above mentioned period. If defendant no.8 fails to pay cost within stipulated period, this order is automatically set aside.

Date : 17/02/2020

N. D. Meshram.
Joint Civil Judge Junior Division
Ghodegaon.

CERTIFICATE

I affirm that the contents of this PDF file Judgment are same word for word as per original Judgment.

Name of Steno : Gaurav A. Bobade

Name of Court : N. D. Meshram Saheb,
Judicial Magistrate First Class,
Court Ghodegaon.

Date of Judgment : 17.02.2020.

Date PO Signed : 17.02.2020.

Date of PDF : 18.02.2020.

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