


<p>CNR No. MHRG080004642021</p> 	<p><u>R.C.S. No. 30/2021</u> Vasant Bendu Phate Vs. Shankar Ladaku Shinde</p>
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**ORDER BELLOW EXH. 17**

1. Perused application and say. Heard learned advocate for both parties. This is the application filed by defendant for setting aside no WS order passed against him. He submitted that he is old aged person and not having knowledge of law and therefore unable to remain present in court and file his written statement. Hence he prayed for setting aside no WS order.
2. Plaintiffs filed their say and opposed application by saying that the defendant is deliberately prolonging the matter only to harace the plaintiffs. Hence they prayed for rejection of application.
3. Perusal of record shows that the no WS order was passed on 31/03/2022. However the age of defendant is 95 years as mentioned in the plaint. It is not possible for the defendant to appear on each and every date in the court. Considering this fact, the reason mentioned in the application appears to be genuine. It is necessary to decide matter on merit and therefore WS of defendant needs to be taken on record. But the defendant is causing huge delay in proceeding and hence the application is allowed subject to payment of cost Rs. 500 payable to TLISA.

Khalapur  
Date - 31-01-2025

(R. Y. Khandare)  
Civil Judge, Jr. Dn., Khalapur.

## Certificate

I affirm that, the contents of the P.D.F file order are same word to word as per original order.

Court Name	:	Shri. R. Y. Khandare CJJD & JMFC, Khalapur
Name of Steno	:	Shri. R. S. Patil Stenographer, Grade – III
Date of Order	:	31/01/2025
Order signed by P. O. On	:	31/01/2025
Date of PDF & Order uploaded on	:	31/01/2025