

**Kusum Shet & Ors Vs.
Jayashri Kadu & Ors.**

**ORDER BELOW EXHIBIT 15 IN RCS NO. 81/2017
(Decided on 26/10/2018)**

The defendants presented this application for setting aside 'No W S' order passed against them on 04/11/2017. Perused the application and say of the plaintiff. Heard both the parties.

02. The defendants submitted that the defendant No.1 was old aged person and was ill therefore could not file the written statement within stipulated period of time. They prayed for setting aside 'No W S' order was passed against them. The plaintiffs filed their say and resisted the application. They contended that the grounds mentioned in the application are not justified properly. They contended that no medical certificate was attached with the application. They contended that there is deliberate delay on the part of the defendants. Hence, they prayed for rejection of the application.

03. I have gone through proceedings of the matter. Present suit is for possession of the property described in para 2 of the plaint. Despite service of summons the defendants failed to file the written statement within stipulated period of time. There is delay of more than eight months in filling the written statement. The grounds for delay are not justified properly but considering the nature of the suit an opportunity should be given to the defendants to put forth their case. No prejudice will be caused to the plaintiffs. Hence, I pass the following order.

ORDER

Application is allowed.

'No W S' order passed against the defendants on 04/11/2017 is hereby set aside subject to cost of Rs.300/- to be paid to the Taluka Legal Service Authority Mangaon on or before the next date.

After payment of cost the written statement shall be taken on record.

Mangaon.
Date:- 26/10/2018

(G.S. Hange)
Civil Judge J.D. Mangaon.