

MHRG140003342013



R.C.S. No.95/2013

Order below Exhibit 49

1. This is an application by defendant no. 1 praying to set aside no WS order passed against him.
2. It is contended by the defendant that summons was served upon him in the month of April 2022, but the defendant could not collect document regarding alleged agreement of the plaintiff, and he could not collect required documents from Tahsil office, hence he could not prepare and file his WS within the limitation. Hence, no WS order was passed against him. It is contended by the defendant that, the delay by him is not intentional, he will suffer huge irreparable loss if his WS is not taken on record. Hence, prayed to set aside no WS order.
3. While plaintiff strongly objected the application submitting that, sufficient time was already granted to the defendant, no sufficient reasons are shown by the defendant for the delay. Hence, prayed to reject this application with a cost.
4. Perused the application, supporting affidavit, documents filed on record.

5. As per records, the defendant had reasonable time to prepare and to file his WS, to which he fail. Yet considering a fair opportunity in the interest of justice and proper execution, I find that the defendant deserves an opportunity to file his WS, at the same time such delay in the proceedings has to be compensated. Hence, the order:-

**ORDER**

- i. The application is allowed subject to cost of Rs. 2000/- to be paid to the plaintiff till next date.

Uran,  
Date : 17.06.2025

Sd/-  
(M. S. Quazi)  
Civil Judge, J.D., Uran