

MHRG140006452019



R.C.S. No. 88/2019

Order below Exh. 68

This is an application for setting aside No W.S. order against the defendant no. 3.

2. The defendant no. 3 is seeking to set aside No W.S. order on the ground that she was served with summons on 01.02.2021. However, due to outbreak of pandemic Covid-19 and unavailability of documents, written statement was not filed. Hence, the defendant no. 3 failed to file written statement.

3. Application came to be opposed on the ground that the reason mentioned in the application is not maintainable. There are no rituals for 2-3 years for a widow after death of her husband. Such rituals lasts for few months. Hence, application needs to be rejected with costs.

4. Heard both sides. Perused the record. It appears that the defendant no. 3 was prevented from filing written statement for just reason. Considering reasons and in the interest of justice, opportunity needs to be given to the defendant no. 3 for just decision of the suit on merits. However, delay occurred in filing written statement needs to be compensated. Hence, costs of Rs. 500/- will suffice the purpose. Consequently, I pass following order.

ORDER

1. Application is allowed.

2. No W.S. order against the defendant no. 3 is set aside subject to costs of Rs. 500/-.

Uran,
Date : 06.11.2023

(Vikas D. Bade)
Civil Judge, J.D., Uran