

Order below Exh. 31 in R.C.S. No. 14/2015

This is an application filed by defendant No.1 to set aside no w.s. order passed against him. According to him he was ill, that too, he is very poor. The necessary documents not made available to him and so it was not possible to him to file w.s. within time. Hence he prayed to set aside no w.s. order.

02. This application is resisted by the plaintiff contending that no medical certificate is produced on record. Contents of application are incorrect. Hence he prayed to reject the application. In the alternative he submitted that if Court reach to the conclusion to allow the application then heavy costs may be imposed.

03. Heard both sides. I perused the provision of Order VIII Rule 1 of code of civil Procedure, 1908. The said provision is directory in nature. The sufficient opportunity needs to be granted to defendant No.1 to litigate his claim on merit. So application can be allowed. But considering the delay for filing of application, applicant -defendant No.1 is hereby directed to pay the costs of Rs. 300/- to plaintiff. Accordingly application is disposed off.

Sd/-

(Santosh D.Chavan.)
Civil Judge (J.D.) Malvan.

Date :- 12/02/2016