

MHSN02-002580-2024

ORDER BELOW EXH. 25 IN RCS 317/2024
(Maya Pujari Vs. Annapurna Patil & Ors.)

The present application is filed by the defendant no. 6 for setting aside no say order passed on Exh. 1.

2. It is the contention of the present defendants that, due to the change of designation of this Court and time passed for the passing of order on application under Order 7 Rule 11 of C.P.C., they couldn't file W.S. and say. There is total delay of 5 months 15 days in filing of W.S. The said delay was not intentional. Therefore, considering this situation the defendants prayed for setting aside no say order.

3. Perused the application and documents on record. no say filed. Heard Ld. Advocate for the defendant no.6. Perused the record.

4. Admittedly, there was 5 months 15 days delay in filing of W.S. and No W.S. Order passed against the defendant no. 6. However, considering the fact the W.S. is necessary for putting forth the defence of the defendant no.6 to decide the matter on merit, I am inclined to allow this application. There is a delay in filing this application. It is also necessary for the just and fair decision of the case. For the reasons recorded above, I am inclined to allow this application as under-

ORDER

1. The application is allowed.

2. No W.S. and no say order against the defendant no. 6 is hereby set aside subject to cost of Rs.700/-.

Place : Sangli.
Date : 06/11/2025.

(Rohini S. Patil)
Jt. Civil Judge, Jr. Div., Sangli.