

ORDER BELOW EXH. 68 IN RCS No. 42/2011

The defendant no.02 has filed present application to set aside “No W.S ” order passed against him. Perused the say filed on it. In support of this application, the applicant no.1 has filed his affidavit. The plaintiff has strongly resisted this application by filing his say.

Heard both the sides at length. I have gone through the entire record and also the application, say, arguments and relevant provisions of law

On going through the entire record, I found that the defendant no.2 has failed to file his written statement within stipulated period. On believing the affidavit and contention of the defendant that he has made out sufficient cause to condone the delay so caused to filing application for setting aside No. W. S. order. Considering the approach of the defendant no. 2 and delay so caused made by him, I am of the view that in the interest of justice and in order to decide matter on merit, this application is required to be allowed subject to heavy cost of Rs.1000/ (Rs. One thousand) and I proceed to pass the following order.

ORDER

1. The application Exh.68 is allowed and “No written statement” order passed against the defendant no.02 is hereby set aside subject to cost of Rs. 1000/ (Rs. One thousand) .
2. The cost be paid to the plaintiff within one month of this order, otherwise this order stands vacated.

sd/.....

Date:-28-09-2017

Kavathe-Mahankal.

[Manoj C. Nepte]
Jt. Civil Judge, Junior Division,
Kavathe-Mahankal.

