

**ORDER BELOW EXH. 39 IN RCS No. 19/2017**

1- The defendant no. 1 has filed present application to set aside “No W.S” order passed against him. Perused the say filed on it. The plaintiff has resisted present application by filing say at Exh.41.

2- I have gone through the entire record and also the application, say and relevant provisions of law

3- On going through the entire record, I found that the defendant no.1 has failed to file his written statement and say within stipulated period. On believing contention of the defendant No.1 that he has made out sufficient cause to condone the delay so caused to filing application for setting aside no w. s.. Considering the approach of the defendant No.1 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.500/ (Rs. Five Hundred) and I proceed to pass the following order.

**ORDER**

1. The application Exh.39 is allowed and “No written

statement ” order passed against the defendant no.1  
is hereby set aside subject to cost of Rs.500/ (Rs.  
Five Hundred) .

2. The cost be paid to the plaintiff within ten days of  
this order.

Date:-06-12-2018

Kavathe-Mahankal.

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