

ORDER BELOW EXH.15
IN RCS No. 53/2017

1- This is an application filed by defendant No.1, 2/1, 2/2, 2/3, 2/4, 3, 6, 7/1, 7/2, 8, 9, 12/1, and 12/2 for setting “No W.S” order passed against them on 17-01-2018. Defendants in their application submitted that the scheduled date 17.01.2016 has been fixed but certain documents were not received therefore, these defendants were unable to file their written statement within time. Hence, they prayed for setting aside no w.s. order.

2- Plaintiffs filed their say and resisted the application on the ground that no specific days of delay have been mentioned and no such application for condonation of delay has been submitted.

3- After perusal of record, it appears that on 17.01.2018 no w.s. order has been passed on 17.01.2018 against defendant Nos. 2/1 to 2/4, 3, 6, 7/1, 8, 9, 12/1. On the same day the present application has been submitted. After perusal of the order, it appears that exparte order has been passed on the same day against defendant No.1, 4, 7/2, 12/2 and 13. Therefore, defendants in the present application i.e.

defendant No.1, 7/2 and 12/2 have to submit an application for setting aside the same. In the absence of said application they cannot go further for setting aside no w.s. order. Further to provide an opportunity and to proceed matter on merit the application deserves to be allowed in the interest of justice. Hence I proceed to pass following order.

ORDER

1. The application is partly allowed.
2. “No written statement ” order passed against the defendant Nos. 2/1 to 2/4, 3, 6, 7/1, 8, 9 and 12/1 dated 17.01.2018 is hereby set aside.

Date:-02-07-2019
Kavathe-Mahankal.

[S.A.Kulkarni]
Jt. Civil Judge, Junior Division,
Kavathe-Mahankal.

