

ORDER BELOW EXH.45 IN R.C.S.NO.06/2024
(Passed on 24.04.2025)

This is an application filed by defendant no.6 for setting aside No W.S. order passed against him.

2. It is contended that, on 21.02.2024 he appeared through his advocate in the proceeding but he didn't get necessary information within time. Further he has contended that he is old age person and remains sick frequently, therefore, it was not possible for him to meet his advocate and prepare W.S. and say on time. Consequently, impugned order have been passed against him. Further it is contended that, there is delay of 26 days. Further he has not caused delay deliberately. To decide the suit on merit, it is necessary to grant an opportunity to the defendant No.6 to file his W.S. on record. Hence, present application.

3. Say of plaintiff was called. Plaintiff has filed his say vide Exh.47 and resisted the application on the ground that reasons mentioned in the application are false as he has not filed any documents to that effect. Hence, prayed for rejection of the application.

4. Perused the application and say. Heard both sides. Also perused the record. It is needless to mention here that, defendant no.6 appears suomoto on 21.02.2024. However, W.S. and say has not been filed on record by defendant no.6. The application is supported by affidavit. The defendant no.6 has made out the reason for causing delay to file W.S. and say on record. The defendant No.6 is old age person. Apart from it present application has been moved promptly soon after the passing of impugned order. Therefore, it would be proper to grant fair opportunity to defendant no.6 to file his W.S. and say on record. As far as delay is concerned, it would be proper to impose cost. In turn I pass following Order.

ORDER

- 1) Application at Exh.45 is allowed.
- 2) The Order of No W.S. and say passed against defendant no.6 is hereby set aside subject to cost of Rs.200/- (Rs. Two Hundred Only) to be paid to the plaintiffs on the next date without fail.
- 3) Written Statement and say of the defendant no.6 shall be read and recorded after payment of cost.

Tasgaon
Date :24.04.2025

(Smt. Dhanashree A. Darveshi)
2nd Joint Civil Judge J. D., Tasgaon.

