

Order Below Exhibit 50 in Reg.C.S.No.113/2014 .

1] This application is for setting aside No W.S. order passed dated on 02/01/2017 against defendant no. 15, 16 and 17. It is contended by the defendant no. 15, 16 and 17 that want of certain document they failed to filed W.S. within prescribed time. Hence, they prayed for set a side no W.S. order passed against them. Plaintiff filed his say on that application. Plaintiff resist the application and prayed for rejection of application.

2] Perused the matter on record. The present suit is for partition and separate possession in which question of landed property is involved. However, needless to mention the Cardinal Principle of Law that the procedure obstacles ought not to implead dispensation of justice. Opportunity to filed W.S. cannot be refused to defendant no. 15, 16 and 17 merely on account of technicalities and procedure of obstacles. Opportunity to defend the suit as discussed earlier is essential for deciding the real controversy between the parties at once on merit. No prejudice would be caused to the plaintiff if an opportunity is given to the defendant. On the contrary, it will help the court to adjudicate the real controversy between the parties finally on merit. Considering all the inconvenience caused to plaintiff can be compensated by imposing fine on defendant no.15, 16 and 17. Hence, the following order.

- ORDER -

- 1] Application is allowed.
- 2] No W.S. Order passed against defendant no.15, 16 and 17 is hereby set aside subject to cost of Rs.150/- pay to the plaintiff.
- 3] Defendant no.15, 16 and 17 are allowed to filed their W.S.

Sd/-xxx

Tasgaon.

Date 03/04/2017.

(Sou.T.S. Mahadik)

3rd Jt.Civil Judge, Jr.Dn.,**Tasgaon.**