

**Order below Exhibit.137 in Regular Civil Suit no.56/2014**

The present application is filed by the defendant nos.1D and 1E to set aside 'No Written Statement' order passed against them.

2) The defendant nos.1D and 1E contended that, defendants are old aged persons and they have no legal knowledge. Hence defendants could not file their written statement within the stipulated time. Hence prayed to allow the application.

3) The plaintiff resisted the application contending that the reason mentioned in the application is not true. The defendants deliberately delayed the matter. Hence prayed to reject the application.

4) Read the application and say. Perused the record. It appears that, suit summon were served to defendant nos.1D and 1E. But they failed to file W.S. within time. The defendants have not mentioned in the application that how much delay was caused in filing of present application. The present application is filed in vague manner. But considering the nature of suit, the defendant nos.1D and 1E could not be allowed to go undefended. An opportunity needs to be given to the defendant nos.1D and 1E to put forth their defence in the interests of justice which will ultimately help in adjudicating the matter on merit. However the hardship suffered by the plaintiff can be compensated by imposing cost on the defendant nos.1D and 1E. Accordingly, the following order is passed :

**ORDER**

- 1) The application is allowed.
- 2) The 'No Written Statement' order passed against the defendant nos.1D and 1E on plaint (Exh.1) is hereby set aside subject to payment of costs of Rs.1000/- (Rs. One Thousand only) to be paid by the defendant nos. 1D and 1E to the plaintiff on or before next date.

Kadegaon  
Date : 19.10.2024

(D.S.Sharma)  
Civil Judge, (J.D) Kadegaon  
Dist. Sangli.