

Order below Exhibit. 15 in Regular Civil Suit no. 294/2023

The present application is filed by the defendant no. 1 to 5 to set aside 'No Written Statement' order passed against them.

2) The defendant contended that the requisite documents required to file written statement were not available to them and defendant nos. 1 to 3 are very old hence they could not attend the date of suit. Hence they 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) Considering the nature of suit, the defendant no. 1 to 5 could not be allowed to go undefended. An opportunity needs to be given to the defendant no. 1 to 5 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 defendants. Accordingly, the following order is passed :

ORDER

- 1) The application is allowed.
- 2) The 'No Written Statement' order passed against the defendant no. 1 to 5 on plaint (Exh.1) is hereby set aside subject to payment of costs of Rs.200/- (Rs. Two Hundred only) to be paid by the defendant no. 1 to 5 to the plaintiff on or before next date.

Kadegaon  
Date : 10.05.2024

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

