

**ORDER BELOW EXH.34**

Instant application has been filed by defendant Nos.1 to 3 for setting aside 'No W.S.' order.

02. Perused application, say and record. Instant suit is filed for recovery of possession of encroached area and permanent injunction. From record it also reveals that, defendant Nos.1 to 3 due to unavailability of relevant documents failed to file W.S. on record within stipulated period. However, matter proceeded without W.S. against them.

03. Per contra, the plaintiff filed his say. He denied whole contentions in application in toto. Defendants failed to file any document in support of their contention. However, he urged for rejection of this application.

04. Considering the submission advanced by both the ld. counsels for plaintiff and defendants. Just for fair adjudication in controversy between the parties, fair opportunity should be given to the defendant No.1 to 3 by setting aside 'No W.S.' order against them. No prejudice would be caused to the plaintiff if instant application will be allowed. No doubt, there is delay of more than Six years for filing W.S. on record. After considering the submission of the both the parties just for fair opportunity delay can be condoned by imposing realistic costs. Hence, I proceed to pass the following the order;

**ORDER**

Application Exh.34 is hereby allowed subject to costs of Rs.1,000/- (Rupees one thousand only ) payable to plaintiff.

Vita.

Date: 19.08.2024.

(M.Sharique A.U. Rahman)  
Jt. Civil Judge Jr. Dn., Vita,  
Tal.Khanapur, Dist.Sangli.

**CERTIFICATE**

I affirm that the contents of this PDF file are same as per the original.

Name of Stenographer :- S.V. Gaikwad  
Name of the Court :- M.S.A.U. Rahman,  
Jt.Civil Judge Jr. Dn., & J.M.F.C.,  
Vita. Tal:-Khanapur.  
Date of decision :- 19.08.2024  
Order signed by P.O. on:- 19.08.2024  
Order uploaded on :- 19.08.2024.