

ORDER BELOW EXH. 27 IN M.A.C.P. NO. 199/2018
(CNR. NO.MHST01002498-2018)

(Latika Sabale & Ors. Vs. Hiranman Lashkare & Ors.)

This is an application filed by opponent No. 1 for setting aside “No W.S.” order passed against him.

2] It is contended by opponent No. 1 that he was out of station due to some work, so he could not file written statement within time. Due to the pandemic situation of COVID 19 he could not collect necessary documents. Hence, he could not file written statement in time and order of “No W.S.” is passed against him. It is further contended that, in the interest of justice and for the fair trial of the case on merits “No W.S.” order be set aside and written statement be allowed to be filed.

3] Applicants filed say and strongly opposed to the application. It is contended by applicants that opponent deliberately caused delay for filing say, so necessary order may be passed.

4] Perused record. Heard learned counsels appearing for both side.

5] It appears that, applicants have filed this petition for compensation against the opponents. It is settled position of law that, lenient view should be taken while setting aside “No W.S.” order on

the principle that opportunity of being heard should be given to the opponents.

6] Considering, the nature of petition as well as defence raised in the application, an opportunity of being heard is necessary to be given to opponent No. 1 by setting aside order of “No W.S.” passed against him. Hence, application deserves to be allowed. Resultantly, I proceed to pass the following order.

ORDER

- 1] Application is allowed.
- 2] “No W.S.” order passed against opponent No. 1 stands set aside.
- 3] Written statement of opponent No. 1 be read and recorded.

Date : 29/03/2022

(R. K. Rajebhosale)
Ad-hoc District Judge-3
and Member, M.A.C.T., Satara