

MHST01-003213-2023



**ORDER BELOW EXH.17 IN M.A.C.P NO.05/2024
(Ajay Dattatray Nikam Vs. Kailas Kolate & ors.)**

In the instant application, the respondent No.2 prayed permission to set aside “No W.S. order” passed against her.

02. The learned Counsel for respondent No.2 submitted that respondent No.2 failed to file W.S. within time as respondent No.2 failed to collect the necessary documents. The delay is not deliberate. Hence, respondent No.2 prayed to set aside “No W.S. order” and for taking written statement on record.

03. Application is objected by the learned Counsel for the claimant and submitted that application is devoid of merit. Hence, he prayed to dismiss the application.

04. No doubt, respondent No.2 has not acted due diligently. However, in the claim petition, it is not proper to apply the strict procedure of C.P.C. Opportunity needs to be given to respondent No.2, in order to resolve the real controversy. In the interest of justice, application deserves to be allowed. In the result, I pass the following order.

ORDER

- 1) Application is allowed.
- 2) The order of No W.S. passed against respondent No.2 is hereby set aside.

3) Respondent No.1 is permitted to file the W.S.

Date: 25.08.2025
Place : Satara.

(S.R.Tamboli)
Member, M.A.C.T.
Satara.