

MHTH170037122025



**R. C. S. No. 120/2025**  
**Savita Heera Vaidya**  
**Vs.**  
**Harishchandra Vaidya**  
**& Ors**

**ORDER BELOW EXH. 14**

This is an application by defendants for setting aside the No WS order. It is submitted that the plaintiff filed this suit for partition, declaration and injunction. Due to long time it tooks to collect improtant documents and they were out of town for work defendants could not contact learned counsel for giving improtant information and necessary documents for the filing of written statement. Therefore, defendants unable to file their written statement within stipulated period. However, No WS order against defendants. Delay is not intentional. It is further submitted that it is necessary to hear other side to decide the matter on merits. Hence, prayed for allow the application.

**02.** Plaintiff has filed say over-lief and reject this application.

**03.** Heard learned advocate for both the sides. This is a suit for partition, declaration and injunction. Perused material on record. True that there is long delay by the defendant to file their written statement. However, the No WS order passed againt defendants. However, It is necessary to hear other side, to decide the suit on merit and to resolve the between the party. Hence, in the interest of justice I pass following order:-

## **ORDER**

- 01.** Application **Exh. 14** is allowed subject to cost of Rs. 100/- to be paid to the plaintiff.
- 02.** The No WS order against defendants are hereby set aside.

Date : 04.05.2026.  
Place: Palghar

(Sujata R. Bandal)  
Jt. Civil Judge Jr. Division,  
Palghar.