

**ORDER PASSED BELOW EXH.18**

01. Read the application and say. Heard Advocate for both the parties at length. Perused the record.

02. This is an application for permission to file written statement and to set aside the order of No WS passed against defendant no.1 & 2. Called say of the plaintiff. The counsel of plaintiff strongly opposed the application on the ground that sufficient time was granted to file written statement to the defendants. The application is not tenable. Hence, it be rejected with cost.

03. Ld.counsel for plaintiff Shri Chaudhari submitted that defendant appeared in this case but failed to file his written statement. The application is not supported with any documents. Hence, he prayed to reject it with heavy cost.

04. Perusal of the record shows that no WS order was passed on 20/11/2023 against defendant no.1 and 2 vide order below Exh.1. Defendant no.1 and 2 are ready and willing to file their written statement to the plaint. Therefore, considering the principle of natural justice, a fair chance be given to the defendants. Therefore, in order to decide the suit on merit and for final adjudication the application needs to be allowed. At the same time, the plaintiff be compensated for unnecessary delay. Hence, the following order:

ORDER

- i. Application is allowed.
- ii. The no WS order against defendants no.1 & 2 is set aside subject to cost of Rs.300/- (Three Hundred only) to be paid to the plaintiffs on or before next date.

Sd/-

Date:22/02/2024

( Sapna M.Patil )  
Civil Judge Jr.Dn.  
Arni