



**Order below Exh. 13 in R.C.S. No. 30/2021.**

1. Perused the application as well as its say filed by the plaintiff. Heard both the parties. By way of present application the defendants contended that, due to strike of Buses they could not appeared before the court and also to file their written statement and accordingly no w.s. order passed by the court. So, considering the nature of suit and also the reliefs claimed by the plaintiff it is necessary to set aside No W.S. Order dt. 06.01.2022.

2. On the other hand the plaintiff filed his say below the application and contended that, with a view to prolong the matter the defendants have intentionally avoided to file their written statement within stipulated period. So, the application may kindly be rejected with heavy cost.

3. Perused the record, it appears that, due to the failure of defendants to file written statement within stipulated period no w.s.order has been passed by the court on 06.01.2022. Further, reason as given by the defendants is genuine one. Furthermore no prejudice would cause to the plaintiff if the defendants permits to file their written statement by setting aside no w.s. order. On the other hand, it is seen that, the plaintiff has instituted the suit for partition. So, considering the nature of suit and also the reliefs claimed by the plaintiff it is seen that, it is necessary to set aside no W.S. Order which has been passed by court on 06.01.2022. Hence, the following order, in the interest of justice.

**ORDER**

1. The application is allowed.
  
2. No W.S. order dt. 06.01.2022 which has been passed against the defendants below Exh. 1 is hereby set aside subject to cost of Rs. 200/- be paid to the plaintiff.

Date : 06.08.2022.

( U. B. Murde )  
Civil Judge J.D., Ner.