

Order below Exh. 25

(Passed on 14th February, 2020)

1. Application under consideration is filed by the defendant no.2 for setting aside No-W.S. order passed against him on 20.8.2019.
2. Perused application and say. Heard both the parties at length.
3. It is contended by the applicant/defendant no.2 that he appeared in the matter. However, on the date when the matter was fixed for filing Written Statement he was not feeling well. Resultantly, he could not attend the court. As a result he failed to file Written Statement within time and so No-W.S. order is passed against him on 20.08.2019. Medical condition of the defendant no.2 resulted into non filing of the Written Statement within time. Delay caused is neither intentional nor deliberate. Material rights are involved in the matter. Prayed to set aside No-W.S. order and take his written statement on record.
4. On the other hand plaintiff contended that the application is belated. Reason mentioned in the application is not sufficient and proper. No documents are filed on record in support of the contentions of the application. Hence, prayed to reject the application with cost.
5. This is a suit for permanent injunction. The suit property is immovable property. Material rights of the parties are involved in the matter. In order to arrive at right conclusion and to determine rights and liabilities of the parties and to decide the matter for once and all it is necessary that the parties must be given an opportunity to put forth their respective claims and defences.
6. In view of above facts and circumstances following order is passed.

ORDER

1. Application is allowed. No-W.S. order passed on 20.08.2019 is set aside subject to cost of Rs.400/- to be paid to plaintiff by defendant.

Dt.14-02-2020

(R.B.Hanwate)
Civil Judge(Jr.Dn.),Mahagaon.