

ORDER BELOW EXH. 112

Perused the application and say filed by the plaintiff.
Heard. Perused all relevant documents.

This application is filed by the defendant no.2 for setting aside no W.S. order dt.25.01.2018 passed against him below Exh. 01. In support of contents of present application, he has filed affidavit stating the grounds for setting aside that order.

Though the plaintiff has objected this application, on perusal of the record, it appears that this suit is filed in respect of an immovable property. The defendant no.2 is willing to contest this suit by filling written statement on record. Though the plaintiff has challenged this application by filing say, the grounds mentioned in the say are not sufficient to reject this application.

The defendant no.2 will suffer irreparable loss if the present application is rejected. Per contra, no serious prejudice will be caused to the plaintiff if the application is allowed by imposing cost. Considering the nature of the matter, in order to settle actual controversy between both parties completely and to avoid multiplicity of the proceedings, it will be just and proper to set aside no W.S. order dt.25.01.2018 passed against defendant no.2 below Exh. 01 subject to condition to pay cost to the plaintiff. Considering all facts and circumstances, it will be just and proper to allow the application accordingly .

Therefore, in view of above discussion, in the interest of justice, I pass the following order.

ORDER

1. Present application is allowed in following terms.
2. The no W.S. order dated 25.01.2018 passed below at Exh no. 01 against the defendant no.2 is hereby set aside and permission is granted to file W.S. on record subject to condition that defendant no. 2 shall pay total Rs.1,500/- as a cost to the plaintiff on/before next date without fail.

Sd/-

(Sachin S. Patil)

2nd Jt. Civil Judge, S.D.
Osmanabad.

Dt. 10.09.2025