

ORDER BELOW EXH.21
IN RCS No. 01/2018

1- The defendant No. 1 to 6 have filed present application to set aside “No W.S” order passed against them. It is the contention of these defendants that they have failed to collect important document within time and therefore they are unable to file their written statement in stipulated time. Lastly, prayed that application be allowed and no w.s. order passed against them be set aside.

2- Plaintiff has resisted application by filing say at Exh.23. It is his contention that the reason given by defendants is not justifiable. They have deliberately failed to file their written statement. The application is not tenable in the eye of law. Lastly, prayed that application be rejected with costs.

3- Perused the application and say. I have gone through the entire record and also the applications, say and relevant provisions of law

4- On going through the entire record, I found that the defendant no. 1 to 6 have appeared on 23.03.2018. Since then, defendants have failed to file their written statement within stipulated period. Present application is filed on 06.08.2018.

On believing contention of the defendants that they have made out sufficient cause to condone the delay so caused to filing application for setting aside no written statement. Considering the approach of the defendants and delay so caused made by them, I am of the view that in the interest of justice and in order to decide matter on merit, this application is required to be allowed subject to cost of Rs.300/ (Rs. three Hundred only) and I pass the following order.

ORDER

1. The application Exh.21 is allowed and “No written statement ” order passed against the defendant no. 1 to 6 is hereby set aside subject to cost of Rs.300/ (Rs. three Hundred only) .
2. The cost be paid to the plaintiff within ten days of this order.

Date:-11-02-2019
Kavathe-Mahankal.

[Manoj C. Nepte]
Jt. Civil Judge, Junior Division,
Kavathe-Mahankal.

