

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6109 OF 2016

Shri Prallhad Hari Kedare & anr. ... Petitioners
Vs.
Shri Adhar Narayan Jadhav & Ors. ... Respondents

Mr.G.C. Jhaveri for the Petitioners
None for respondents

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 28, 2017**

P.C. :

1. As per the noting of the Registry, the Respondents are served. Affidavit of service showing acknowledgement is tendered, taken on record. Despite service, none appear for the respondents.
2. Rule. Rule is made returnable forthwith and heard finally as the issue involved is very short.
3. In this Writ Petition, the order dated 16.1.2016 refusing to set aside 'no W.S.' order passed by the learned Civil Judge Junior Division Satana, District Nasik, is under challenge. The learned Counsel for the petitioners gave a chronology of events and has submitted that the order of 'no W.S.' is to be set aside.

4. The suit is filed in February, 2015. The petitioners/defendants appeared on 10.4.2015. On 24.8.2015, 'no W.S.' order was passed. On 20.9.2015, the petitioners/defendants filed application requesting for setting aside the 'no W.S.' order. The said application was rejected on 16.1.2016 by the learned Civil Judge Junior Division, and hence, this petition.

5. Learned Counsel for the petitioners submits that the petitioners have filed the written statement alongwith the application dated 20.9.2015 requesting that the 'no W.S.' order is to be set aside.

6. In view of the submissions, I allow the Writ Petition. Rule is made absolute in terms of prayer clauses (a) and (b) with costs of Rs.1,000/- (Rupees One Thousand only) to be paid to the respondents.

(MRIDULA BHATKAR, J.)