

**IN THE COURT OF SMALL CAUSES AT MUMBAI**

**ORDER BELOW EXHIBIT NO.108  
IN  
OBST. NOTICE NO.161 OF 2018  
IN  
EXECUTION APPLICATION NO.22 OF 2018  
IN  
LE & C SUIT NO.56/73 OF 1984**

The Board of Mumbai Port Authority ...Plaintiff

**Versus**

Smt. Padmavati Bhailal Amin (deceased)

1 Niranjan Bhailal Amin & Ors. ...Defendants

**And**

Bab Prakash Kurba ...Obstructionist

**Coram :- A. H. Baig, Judge  
Court Room No.24  
Date: 05/03/2024**

**ORAL ORDER**

Perused the application and say filed. Heard both the learned advocates. By moving present application, obstructionist no.10 has prayed for setting aside no reply order dated 06/09/2023 passed below Exh.1. Fair chance should be given to the obstructionist to contest the present petition by filing his reply. As per principle natural justice, *'Audi alteram partem'*, no person shall be condemned unheard. If such opportunity is given to obstructionist by condoning delay, no serious prejudice will be caused to other side. On the contrary, obstructionist notice will be decided on merits. Considering these facts, I hold that application deserves to be allowed subject to costs of Rs.250/-. Hence, I proceed to pass the following order;

**ORDER**

- 1 Application is allowed subject to costs of Rs.250/- to be paid by obstructionist no.10 to the plaintiff on or before next date.
- 2 On payment of costs as per Clause-1, no reply order dated 06/09/2023 passed below Exh.1 is hereby set aside and delay is condoned.
- 3 The reply filed by obstructionist shall be taken on record, after compliance.

Mumbai  
Date : 05/03/2024

(A. H. Baig)  
Judge, C. R. No.24