

IN THE COURT OF SMALL CAUSES AT MUMBAI

**ORDER BELOW EXH. 15
IN
R.A.D SUIT NO. 905 of 2019
CNR No. MHSCA 2001102 2019**

Mr. Shankar Bhiku Rahate

..Plaintiff

Vs.

1. Smt. Tunga Devadiga and others

..Defendants

Vidhyan S. Daware, Advocate for the Plaintiff

Shri Ajay Prajapati, Advocate for the Defendant No.2

Coram : S. D. Awasekar

Judge, C. R. No. 16

Date : 10.01.2020

ORAL ORDER :-

1. Defendant No.2 has made present application for setting aside no written statement order.

2. Perused the application and say. Heard Ld. Advocates for both side.

3. Defendant No.2 states that he was having health problem and was unable to file written statement within time and has not intentionally caused delay in filing the written statement. He therefore, prays that no written statement order passed against him to be set aside.

4. Although, the plaintiff has objected the said application however, taking into consideration the fact that the Defendant No.2 was having health problem, it is necessary to set aside the no written statement order. Hence, in the interest of justice, and in order to decide the suit on merits, I proceed to pass the following order.

:- O R D E R -:

1. Application Exh. 15 is allowed.
2. No written statement order passed against the Defendant No.2 is set aside.

Date : 10.01.2020

(S. D. Awasekar)
Judge, C.R. No.16