

CNR No.MHSCA20019242018

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

**Order below Exhibit - 6**

**In**

**MARJI Application No.204 of 2018**

**In**

**R.A.E. Suit No.461/749 OF 2000**

1. Fr. Barthol Sebastian Machado & Ors. ... Plaintiffs

V/s

Shri. Jalaram Timber Depot ... Defendants

Shri. Dharmesh Jain : Advocate for the Plaintiffs.

K. P. Gala & Associates : Advocate for the Defendants.

**Coram : A. A. Dhumne**

**Judge, C.R. No.23**

**Date : 19/03/2019**

**Order :**

1. This application is taken out by the defendant to condone the delay for filing reply to the main MARJI Application. Plaintiffs by reply thereon, formally opposed the application.

2 Heard the Ld. Advocates appeared for both side. They argued on the line of averments made in the application and reply.

3. Upon hearing Ld. Advocates for both side, I have gone through the application, reply and record. It appears that, notice of the MARJI application was served to the defendant on 19/10/2018 and present application is moved on 22/02/2019. That appears to be after expiry of 90

days. The ground taken by the defendant is that, he was out of town for business purpose. Considering the ground shown in the application, I am of the view that, it would be just and proper to give an opportunity to the defendant to file his reply, so as to fight the MARJI application on merit. So far as harm caused to the plaintiffs, that can be compensated by way of imposing cost. With this, I find substance in the application. Accordingly, I proceed to pass the following.

**:- O R D E R :-**

1. Application Exh.6 is allowed.
2. Delay is condoned and reply of the defendant is taken on record, provided that, defendant shall pay the cost of Rs.2000/- (Rupees two thousand only) to the plaintiffs till next date.

**Date : 19/03/2019**

**[A. A. Dhumne]  
Judge, C.R.No.23**

Order dictated on : 19/03/2019  
Order typed on : 19/03/2019  
Order checked and signed on : 19/03/2019