

MHTH020038342018



ORDER BELOW EXH.56 IN SPL. CIVIL SUIT NO.550/2018.
(Kaushik Kishore Vs. Malhar Lokpuram CHS Ltd. & Ors.)

Perused contents of this application, wherein the defendants in present suit has prayed to recall set aside 'no cross order' dated 25.07.2025 and 'closing of evidence of defendants' order dated 08.08.2025.

2. Perused say filed by the plaintiff below Exh.57.
3. Heard Ld. Advocate for the parties.
4. It is matter of record that due to inaction and want of steps on the part of the applicants, the matter proceeded further to the stage of final arguments. Ld. Advocate for the plaintiff argued before the Court and even filed his written notes of arguments on 15.09.2025. When the matter was for the defendant's argument on 01.10.2025, present application is filed mentioning that there was new committee of the society. It is further mentioned that the new committee i.e. the defendants were not aware about the present suit. The plaintiff opposed this stand by contending that there is intentional delay on the part of the applicants.
5. It is matter of common knowledge that the record of the society is maintained and the same is handed over to the incumbent

members after expiration of term of the earlier committee members. Therefore, the reasons offered in the application are not fully acceptable. Be as it may so, considering the nature of the suit and the subject matter which is for recovery of lakhs of rupees, it would be in the interest of both the parties that the matter should be decided on merits. The delay occasioned can be compensated by imposing appropriate costs. Hence, the order.

ORDER

1. The application is allowed subject to costs of Rs.5,000/- to the other side as condition precedent.
2. The applicants/defendants shall comply on said part on or before next date.

Place :- Thane.
Date :- 10.02.2026

(P. A. Patki)
2nd Jt. Civil Judge (S.D.) Thane.