

MHAU130000902021



R.C.S. No.51/2021

Gajarabi Shaikh Osman Shaikh CHand Vs Muktanand Granirman Sanstha

ORDER BELOW EXH.60

1. By this application the defendant No.1 society prayed to set aside no W.S. order dated 01.03.2023 passed below Exh.01.
2. Read the application. The defendant No.1 society and its learned advocate are absent when called till 4.15 p.m. Heard learned advocate for the plaintiffs.
3. The defendant No.1 society has submitted in this application that, it has appeared in present suit in response to the receipt of summons. Thereafter, it has tried to find out the location of suit property. However, no such property could be traced by it. It has also taken search of the documents relating to suit property. However, it could not get such document also. Therefore, it could not file its written statement within stipulated period and it resulted in passing an order proceeding without its WS. Therefore, it has decided to file its written statement on the basis of the information available with it and it is necessary to grant such permission.
4. Ld. Advocate for plaintiffs argued that, no sufficient cause is shown by defendant No.1 society for its failure to file WS within stipulated period. The application is based upon the

false story. The defendant No.1 society is negligent in defending the suit. Therefore, it is necessary to reject the application.

5. It is a matter of record that on 01.03.2023 this Court has ordered to proceed without W.S. of defendant No.1 society. It is also necessary to note that, it has appeared in the suit on 29.11.2021. Thus, for more than one year this court had granted time to defendant No.1 society for filing its WS. After passing of an order dated 01.03.2023 the defendant no.1 society did not bother to make this application promptly and it has moved after two years of passing said order. It shows that, how the defendant No.1 society is negligent in defending the suit. However, present application is accompanied by its written statement. Therefore, in order to decide the controversy on merit, it is desirable to allow the application. At the same time, it is necessary to compensate the plaintiffs by imposing costs for the inconvenience caused to them due to such conduct of defendant No.1 society. Hence, I pass the following order :

ORDER

1. Application stands allowed with costs of Rs.2000/- payable to the plaintiffs.
2. An order dated 01.03.2023 passed below Exh.01 proceeding without W.S. against defendant No.1 society is set aside.

Date :-21.07.2025.

(N.H. Tikhe)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: Vilas K. Chavan
Court	:C.J.S.D.(Corporation Court), Aurangabad
Date	: 21.07.2025
Order signed by the presiding officer on	: 21.07.2025
Order uploaded on	: 21.07.2025