

MHAU130001222023



ORDER BELOW EXH. 16

1. By this application the defendant prayed to set aside an order dated 15/6/2024 proceeding without written statement.
2. Read the application and reply of the plaintiff at Exh.17. Heard Ld. Advocates of the rival parties.
3. Ld. Advocate for defendant submitted that, the suit is filed by plaintiff against the sole defendant. The defendant corporation could not trace the necessary documents within the prescribed period for filing written statement. It resulted in passing said order. In order to decide the controversy between the parties on merit, it is necessary to set aside said order and permit defendant corporation to file its written statement.
4. Ld. Advocate for plaintiff submitted that, sufficient opportunity is already given to defendant to file written statement. However, it has adopted delaying tactics. Therefore he prayed to reject the application.
5. It is a matter of record that, on 15/6/2024 this court had passed an order proceeding without written statement. Present application is made promptly by the defendant. It shows bona fides on the part of defendant to contest suit on merits. On the other hand in order to have an adjudication of the dispute on merit, it is desirable to allow the application. Hence, I pass the

following order :

ORDER

1. Application stands allowed.
2. An order dt. 15/6/2024 passed below Exh. 1 proceeding without W.S. is set aside.

Date :-30.07.2024.

(Shri. 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 : S.D.Chavan
Court : C.J.S.D.(Corporation Court),
Aurangabad
Date : 30.07.2024.
Order signed by the
presiding officer on : 30.07.2024.
Order uploaded on : 30.07.2024.