

MHBI180018712023



M.A.C.P. No.135/2023
Nasimabee Osman Shaikh
Vs.
Sameer Dastgir

:: ORDER BELOW EXH.16 ::

By way of present application the respondent No.2 prayed for setting aside a Ex-parte order and to allow him to file written statement.

2. It is a contention of respondent No.2 that, due to non availability of some documents and information, the respondent could not appeared and submit written statement. This Court has passed to proceed Ex-parte against respondent No.2. It is therefore prayed that, the respondent No.2 be allowed to file written statement by setting aside Ex-parte order.

3. On behalf of claimant strongly objection has been taken on ground that, the application is without justifiable reason.

4. Heard both side, perused case record. On 03.01.2023 this Court has passed the order to proceed Ex-parte against despondent No.2 as he failed to appear inspite of service of summons. The present application has been filed on 28.08.2024. The respondent No.2 is Insurance Company. In such circumstances the reason mention in application are appears to be genuine one. In such circumstances if the respondent No.2 is allowed the filed written statement then no prejudice

will be cause to the claimant. On the contrary, the matter will be decided on merit. For the purpose of delay suitable costs will be impose. Therefore, I come to the conclusion that, application is deserve to be allowed. Hence, I proceed to pass the following order-

:: ORDER ::

1. Application Exh.16 is allowed subject to costs of Rs.1,000/-payable to claimant.
2. The Ex-parte order dated 03.01.2023 is set aside and respondent No.2 is permitted to filed written statement.

Date : 09.10.2024

(S. B. Bhajipale)
District Judge-2 Kaij

I affirm that the contents of this PDF file are word to word as per original Judgment/order.

Dictated on : 09.10.2024

Transcribed on : 09.10.2024

Checked & signed on : 09.10.2024

Sd/-
(Kulkarni M.A..)
Stenographer Grade-3,
Dist. Court-2 Kaij