

CNR NO. MHCO010002972023

Dispute No. 235/2023

Deepak Jagdish Tejale

Vs

Mini Johnson & another

ORDER BELOW EXH-16

1. By way of present application, opponent no.1 is seeking for extension of time for compliance of order dated 04/07/2024.

2. Opponent Nos.1 submitted that an order was passed on 04/07/2024. However, due to difference of opinion between members of managing committee i.e. the opponent, she was unable to give instructions about compliance of cost. Hence, extension be granted by allowing the present application.

3. Per contra, disputant submitted that present applications not tenable. A final opportunity was given to the opponent No.1 by order dated 04/07/2024 vide Exh.12 to file written statement. However, opponents failed to comply with the same. Even then on 28/08/2024 the present application is made only to prolong the present dispute. Hence, as opponents had sufficient time to comply with the aforementioned order. On the other hand, the reasons given by the opponents are vague. Hence, present application be dismissed with heavy cost.

4. Heard both the sides and perused the record. In the present dispute vide exh. 12, an order was passed on 04/07/2024, by condoning the delay to file written statement of opponent no.1. As per

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the said order, opponent was to pay cost of Rs.2,500/- to the disputant, on or before next date in the present dispute i.e. **23/08/2024**. However, on the said date present application was made by the opponent. The reasons stated by opponent for non-compliance of aforementioned order is that there is a difference of opinion between committee members. But the same cannot be a reason, to not to comply with order of the court. Hence, reason given by opponent does not sound justified to me. Nonetheless, considering the nature of present dispute application, to decide the same on merit, one final opportunity needs to be given to opponent. Hence, considering the principles of natural justice and in the light of provision of **section 148** of **the Code of Civil Procedure**, I proceed to pass the following order-

ORDER:

1. Application vide exh. 16 is allowed subject to costs of **Rs. 750/-** (**Rs. Seven Hundred fifty**) to be paid to the disputant on the next date in the present dispute.
2. Opponent No.1 to comply with order dated 04/07/2024 vide exh.12 on the next date in the present dispute, without fail.

Sd/-

Place: Mumbai
Date: 22/10/2024

(Prachi N. Gosavi)
Judge, Co-operative Court No.4,
Mumbai.