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CNR NO. MHCO010003032023

Dispute no. 226/2023

Deepak Jagdish Tejale

Vs.

Pappu V. Valmiki & another

ORDERS BELOW EXH. 21

1) Present application is made by opponent nos. 1 seeking permission to comply with orders dated 4th July 2024 and 22nd October 2024.

2) Case of opponent nos. 1 in brief is as follows:

In the present matter by order dated **4th July 2024** delay was condoned subject to costs of Rs. 2500/- to be paid on the next dated. By order dated **22nd October 2024** time was extended till next date subject to costs of Rs. 750/-. Today, matter is kept for compliance of the said orders. Hence, permission be granted to comply with aforementioned orders.

3) Case of disputant in brief is as follows:

Opponent has failed to comply with aforementioned orders despite of granting sufficient time. An application to pass no written statement order against opponent is pending. Therefore, in view of the same, present application



is not maintainable. Hence, present application be rejected with costs.

4) Heard both the sides. Perused the record. In the present case, on **4th July 2024** vide **exh. 12** an order was passed condoning the delay caused in filing written statement by the opponent nos. 1 subject to costs of Rs. 2500/- to be paid to disputant on before next date in the present dispute. The next date was **23rd August 2024**.

5) Opponent Nos. 1 failed to comply on the said date and made an application vide exh. 16 seeking extension to comply with aforementioned order. The application vide **exh. 16** was allowed by order dated **22nd October 2024** subject to costs of Rs. 750/- to be paid to the disputant on the next date i.e. **8th January 2025**.

6) On the said date, opponent nos.1 did not comply with the said orders, but a pursis vide exh. 19 was filed by his learned advocate. It was mentioned in the same that, no instruction from client has been received regarding compliance. Hence, on the next date, learned advocate will withdraw his appearance. On the very same, an application vide exh. 20 to forfeit the right of opponent nos. 1 to file



written statement was made by disputant. The said order is rejected by order dated 24th March 2025.

7) Today, opponent nos. 1 has made present application to comply with aforementioned orders. No specific reason is mentioned by the opponent in the present application. Admittedly, opponent nos. 1 has failed to avail opportunities given to file written statement on record. Miscommunication between parties as mentioned in exh. 19 cannot be a reason to not to comply with orders of the court. Hence, reason given does not sound justified to me.

8) Nonetheless, considering the nature of present dispute, to decide the same on merit, in my opinion it is necessary to take written statement on record. However, considering the conduct of opponent nos.1, he is liable to pay costs to the disputant for delay caused. Hence, in consonance with the same, I find it fit to pass the following order:

ORDER:

1. Present application is allowed subject to cost of **Rs.1000/-** (Rs. One thousand)to be paid to the disputant, on next date in the present dispute.



2. Opponent nos. 1 to comply with orders dates 4th July 2024 vide exh. 12 and 22nd October 2024 vide exh. 16 on the next date without fail. In devoid of the same, aforementioned orders vide exh. 12 and 16, along with present application will stand vacated.

Place: Mumbai
Date: 24/03/2025

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