

IN THE COURT OF DISTRICT JUDGE-1, & ASJ, GONDIA.

M. A. C. P No. 103/2018.
(CNR NO.MHGO010009532018)

Tarabai Kharole+3 -Vs- Sanjay Thakre+1

ORDER BELOW EXH. 27.
(Passed on this 02nd day of August, 2024)

Perused application filed by respondent nos.1 & 2 and say of claimants on it. Heard respective counsel for parties.

2] Present application is filed by respondent Nos.1 & 2 to set aside impugned order dated 12/03/2019 passed below Exh.1 whereby claim petition proceeded without written statement against them and permission to file their written statement on record.

3] It is their contention that their previous advocate never intimated them about any kind of matter and status of the matter because of which petition proceeded without their written statement. Accordingly, they made prayer in above terms.

4] Claimants have strongly opposed the application on the ground that application is devoid of any reasonable ground to explain inordinate delay in filing the present

application. Alternatively it is submitted that if application is allowed then it may be subject to heavy cost.

5] It can be gathered from the present application that respondent Nos.1 & 2 have blamed previous advocate for non-placement of their written statement on record. It appears that respondent Nos.1 & 2 are also negligent in prosecuting the matter. However, without going in to technicalities, in order to do substantial justice, I am of the view to grant an opportunity to the respondents to contest the matter on merits by imposing certain costs. Hence, I pass following order.

ORDER

- 1] Application Exh.27 is allowed subject to payment of cost of Rs.3000/- by each of respondent Nos.1 & 2 to the claimants within period of 15 days.
- 2] Upon payment of cost, written statement filed by the respondent Nos. 1 & 2 be taken on record and marked exhibit.
- 3] Accordingly, application stands disposed of.

Gondia.
Dated: 02.08.2024.

(M. T. Asim)
Member, M.A.C.T., Gondia.