

MHJN050011262020



ORDER BELOW EXH No. 21 in RCS NO. 70/2020 Dated 11/02/2021

01. Present application of the plaintiff to take urgent hearing on Exh.05 i.e. temporary injunction application.

02. Read the application and say. Heard the Ld. Adv of both sides. Perused the record of the case.

03. Perused the record of the case. Suit is at the stage of unready. Defendant no. 01 has appeared on the date 10/12/2020. Though in the present application, Ld. Adv. of the plaintiff, contended that defendant no. 01 has appeared on the date 10/12/2019 still the very the suit of the plaintiff is instituted on the date 10/11/2020. So this averment of the plaintiff appears to me a bald statement. Further, defendant no. 02 and 03 has not appeared in the matter and till to this date, in respect of them, adverse order is not made.

04 Ld. Adv. of the defendant no. 01, has given the reason of lockdown due to spread of covid 19 pandemic. He submitted that on the next date he will submit the written statement by default. Ld. Adv. Paikrao of the plaintiff, also agreed to hear the temporary injunction application on merit. Rather, no peculiar circumstances are shown by Ld. Adv. Shri. Paikrao of the plaintiff, to take hearing on Exh.05 application, when the suit is not posted on that stage and other defendant has not filed his written statement. So, in this factual matrix, in order to give opportunity to both sides to fully present their case by best possible evidence and by giving say to Exh 05 application, present application, at this stage deserves to be rejected. However next short date i.e.24/02/2021 is given to the defendant no.01 to present his WS or Say, so as to proceed with the suit as expeditiously as possible. In consequent, I proceed to pass

following order-

ORDER

- I. Application of the plaintiff vide Exh. 21 is rejected.
- II. Defendant no. 01 to give written statement or his say to temporary injunction application by default on the next date i.e. 24/02/2021 failing of which temporary injunction application will be heard without his WS or Say as the case may be.

Date- 11/02/2021

Place- Partur

Smt.Pooja N Kokate
Civil Judge Junior Division

Certificate

I affirm that the contents of this PDF file Order are same word to word as per the original Order.

Name of the Stenographer	R.B. Dukare
Name of the Court	Smt. P.N. Kokate, C.J.J.D., Court No.1, Partur.
Date of dictation	11-02-2021
Order Signed by P.O. on	11-02-2021
Order Uploaded on	12-02-2021