

MHLA11-001643-2022

Order below application vide Exh.20 in RCS No.525/2022
Kishor Vs. Shriram Transport Fin.

Perused contents of the application and say thereon.
Heard. Perused the record.

2. The application discloses that, the plaintiff was repeatedly asking for settlement with the defendant financial institution. Therefore, the defendant cannot file written statement within time. Lastly, the defendant prayed to set-aside order dated 16.12.2024 proceeding the suit further without his written statement/Say. Till today, the plaintiff failed to file his say. Therefore, present application is proceeded further without his say.

3. Undoubtedly, there is delay on part of the defendant. However, he filed affidavit vide Exh.21 in support to the present application, whereby the defendant affirms that, the plaintiff was repeatedly asking for settlement with the defendant financial institution. Moreover, the present suit is for perpetual injunction restraining the defendant from causing obstruction to the plaintiff's possession of the suit property. The plaintiff alleged to have been loan from the defendant. In such circumstances, opportunity of hearing will have to be given to the defendant. Furthermore, affording such opportunity will helpful to decide real controversies between the parties finally on merits and to avoid multiplicity of suit and proceedings. The parties will have

an opportunities to lead their evidence as well as cross-examine the witnesses of each others. Therefore, no prejudice would be caused to the plaintiff, if the opportunity is afforded as aforesaid. Hence, in the interest of justice order dated 16.12.2024, proceeding the suit further without written statement of the defendant is hereby set-aside.

Date :13/03/2026
Place: Nilanga

(R. V. Pande)
Civil Judge, Senior Division, Nilanga,
District Latur.