

MHLA120027462023



RCS. No.552/2023

ORDER BELOW EXH.21

Defendant no.1 has filed the present application to set aside no say order passed against him below Exh.17.

2. It is contended by Defendant no.1 that the defendant no.1 working in Pune. Due to his busy schedule of service, he failed to give say below Exh.17. Therefore, no say order passed against him. Hence, he prayed to set aside no say order passed against him at Exh.17.

3. Plaintiff filed his say behind the same application. He objected this application on the ground that the defendant has not mentioned proper reason. So the application be rejected.

4. Heard the Ld. Advocate of the respective parties at length.

5. Perused the record. It appears that application below Exh.17 filed for appointment of receiver as per order XXXX Rule 1 of CPC. The said application filed on 07.08.2024. Till 08.10.2024, the defendant has given sufficient time and opportunity and thereafter no say order passed against him. The present application is filed on 23.12.2024. The record discloses that defendant no.1 appeared through his advocate on 08.10.2024. He may be doing service, but he has duty to appear in person or through his advocate in court and to take proper steps without delay, but the defendant

no.1 caused delay. Therefore, the no say order passed against him. The say of defendant no.1 to decide the application below Exh.17 is necessary. Hence, the application deserves to be allowed, but plaintiff is entitle for cost for such delay. Hence, I pass following order.

ORDER

1. Application at Exh.21 is allowed subject to costs of Rs. 300/-.
2. No say order passed against the defendant no.1 below Exh.17 is set aside.
3. Upon failure to comply this order, No say order will be continue.

Date : 13/11/2025

(Smt A.S. Gunjawate)
2nd Jt. Civil Judge J.D. Nilanga.