



Order below Exh. 18 in Civil M.A. No. 20/2023

CNR MHRT080006272023

Nilesh Manohar Desai Vs. Suresh Janardan Bhoje

01. The application is raised by opponent (defendant no.1) in RCS 30/2021. By way of this application opponent contents that, due to miscommunication as to date assigned, opponent couldn't remain present in the Court. However, the delay was not intentional. In order to file his say on record, no say order passed against opponent needs to be set aside. Hence, In the the interest of justice no say order be set aside.

02. Application is resisted by applicant. It is contended that, the say of opponent that, due to miscommunication of date say could not be file is not justifiable. Hence, application be rejected.

03. Perused application, record. It appears that opponent was served under Order V, Rule 20 of C.P.C. On 13/03/2020 Adv. Dhaval filed Vakalatnama on behalf of opponent. Thereafter as many as four dates were given to file to say on Exh.1. However, Court rejected the application on 10/04/2024 and no say order was passed against opponent. Considering the reason mentioned in the application, one opportunity deserve to given to opponent. Hence, I pass following order.

ORDER

01. No say order against opponent is set aside subject to cost of Rs. 300/- to be given to plaintiff for delay caused in proceeding.
02. Exh.20 and 21 be taken on record after payment of cost.

Date- 24/07/2024

**(Shruti H. Patil)
Jt. C.J.J.D. Deorukh.**