

ORDER BELOW EXHIBIT 17 IN CIVIL MISC. APPLN. NO.

05/2020

CNR No. MHSI07-0001392020

The original application is filed under Order 39 Rule 2A of the Civil Procedure Code for breach of injunction order. The present application is filed by opponents for setting aside no. reply order passed against opponent no. 1.

02. Perused application and say. Heard both sides.

03. It is submitted by opponent no. 1 through his advocate that after service of notice to him, he has filed Vakilpatra and address memo on record. The opponent no. 1 was supposed to file reply on the application but due to Covid-19 pandemic all the means of transportation were closed during March 2020. The opponent no. 1 could not file reply, therefore, no reply order came to be passed against him. Delay in filing reply has not been caused deliberately. The opponent no. 1 was suffering from illness and had gone to Mumbai for medical treatment. In the circumstances, he could not file reply. If he is allowed to file reply, no loss will cause to other side. Thus, the opponent has prayed for setting aside no reply order and to allow him to file reply on record.

04. The applicant through his advocate strongly opposed the application and submitted that application is false. The opponent no. 1 has not filed reply within limitation. The reasons put forth by the opponent are false. The opponent has not produced on record any document showing his illness. The

opponent has deliberately breached order of injunction. The application has been filed in order to cause delay. Thus, the applicant has prayed for rejection of the application.

05. Considering submissions made by both parties, it appears that during March 2020, there was existence of Covid-19 Pandemic. No reply order has been passed against the opponent on 10/11/2021. The applicant has also submitted that due to illness, he had gone Mumbai and he could not file reply. The application is supported by verification affidavit at the foot of the application. It would be just and proper to allow the opponent to file reply by setting aside no reply order passed against him. Hence, following order is passed.

-: ORDER :-

1. Application is allowed.
2. No. reply order dt. 10/11/2021 is hereby set aside without costs.
3. Reply filed by the opponent allowed to be taken on record.
4. Matter be kept for evidence.

Date : 14/11/2022

Amardeep D. Tidke

Place : Malvan.

Civil Judge Junior Division, Malvan.