



**CNR No. MHSI070001412020**  
**Order passed below Exh. No. 119**  
**in R.C.S. No. 20/2020**

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The present application has been filed by defendant No. 15 seeking to set aside no say order passed against him on T.I. application filed by the plaintiff at Exh.80. It is his contention that, the necessary information and documents were not available with him to file his say on T.I. application at Exh.80. Therefore he could not file the same within the stipulated time. He further submitted that the delay was not deliberate, and if the application is not allowed, he will suffer irreparable loss. Hence prayed to allow the application.

2. The application is resisted by the plaintiff by filing a reply at Exh. 121. It is contended that the application is false and frivolous. It is further contended that defendant no.15 has caused delay of two years. The reasons advanced in the application are not satisfactory. Hence, prayed to reject the application.

3. I have heard both sides and perused the record. The suit pertains to immovable property. Valuable rights of the parties are involved. In such circumstances, it would be just and proper to give an opportunity to defendant no. 15 to file his reply to plaintiff's temporary injuntion application filed at Exh.80 and contest the matter on merits. No prejudice will be caused to the plaintiff by allowing the

application. On the contrary, it will enable the Court to decide the matter on merits. Inconvenience caused to the plaintiff can be compensated by imposing costs upon defendant No. 15. Therefore, the application deserves to be allowed. Hence following order,

<b>ORDER</b>	
1.	The application at Exh. 119 is allowed subject to payment of costs of ₹300/- by defendant No. 15 to the plaintiff on or before the next date.
2.	Upon payment of costs, the reply to the application at Exh.80 shall be taken on record.
(Pronounced and dictated in open Court.)	

Place : Malvan  
Date : 31/03/2026

M.K.Fakih  
Civil Judge (J.D.) Malvan.