

Order below e-application in RCS 58/2024
Indubai Teli and Ors Vs Sagar Pattanshetti
(CNR-MHSN08-000705-2024)

The delay application, application seeking setting aside no ws, and taking on record the ws is filed on behalf of defendant.

2 Perused the applications, say, and the record.

3 The applications are taken up of hearing and disposal at the request of the Ld. Advocates.

4 The suit is simplicitor for a decree of perpetual injunction. The interim injunction application has been allowed by proceeding without say of the defendant.

5 The present applications are premised on the ground, that there was a compromise talk between the plaintiffs and defendant, this has resulted into the delay.

6 The application is opposed on the ground that the length of delay has not been specified. Despite, the interim injunction application has been allowed, the defendant failed to file ws cum say who appeared on 21/08/2024.

7 It is settled law, that length of delay does not matter if it is sufficiently explained. On the contrary a days delay is fatal if unsatisfactorily unexplained.

8 As a matter of fact and record, the application is supported by affidavit. The reason assigned appears to be sufficient. The argument is too technical that the length of delay has not been specified, when it is clear that the defendant appeared on 21/08/2024. The appearance was suo moto. Considering the peculiar fact, that the defendant has suffered interim injunction order for his absence, the right to contest the proceedings cannot be foreclosed. The defendant intends to contest the proceedings for which a final opportunity needs to be granted. The inconvenience caused to the otherside may be remedied. The decision on merits is a rule. Costs follows the event. Hence, the following

Order

The application is allowed, subject to costs of Rs.500/- payable to the otherside forthwith.

On due compliance the ws taken on record and be marked exhibit.

Jath
Date: 31/07/2025

(Sanjay P.Bunde)
Jt.CJJD, Jath