

Order below Exh.17 in RCS 216/2020
Shital Mali Vs Laxman More
CNR-MHSN08-001956-2020

The application is for setting aside no ws order and taking on the record ws on behalf of the defendant.

2 Perused the application, say and the record.

3 Heard, Ld. Adv for the plaintiff.

4 None present of the defendant.

5 The application is premised on the ground that the defendant was out of station and an agriculturist and could not contact his Ld. Adv resulting into delay and the order. The ws has to be on the record to avoid prejudice.

6 The application is opposed on the ground that the defendant has intentionally delayed the filing of the ws, appeared on 07/01/2021, the application is misconceived. Therefore, it would be prayed that the application may kindly be rejected.

7 The suit is for specific performance of the contract based on the alleged sale deed and the alleged agreement whereby, the defendant agreed to reconvey the suit property in favor of the plaintiffs. The documents are on the record. Admittedly, despite the absence the defendant, the suit has not proceeded or finally concluded. The ws appears to be necessary vis-a-vis the nature of the suit, and the peculiar facts and circumstances. The delay and inconvenience costs to the other side may be remedied. The reason assigned appears to be just, proper and sufficient. Costs follows the events. Hence, the following Order

The application is allowed, subject to cost of Rs.1000/- payable to the other side forthwith.

2 On due compliance, the ws be taken on the record.

Jath
Date:05/02/2025

(Sanjay P.Bunde)
Jt.C.J.J.D, Jath