

MHTH170015252015



ORDER BELOW EXH. 115 IN R.C.S. NO. 171/2015
(Chandrakant Baburao Patil and other 1 Vs. Asif Iqbal
Dhanani and other 4)

The present application is filed by defendants to set aside no written statement order along with permission to file written statement on record.

2] Plaintiff has filed say at Exh. 116 and has prayed to reject the application.

3] Perused application and say. Heard learned advocate of both sides.

4] Earlier application for delay condonation was allowed by my learned predecessor and subsequent application at Exh. 255 for depositing costs was allowed on last date. It appears that this application was not decided along with application for delay condonation. As the delay is already condoned by my learned predecessor, the present application is consequently liable to allowed. Further, on perusal of record the present suit is filed for relief of permanent injunction. Under such circumstances, it is necessary to decide the matter on merit by giving equal opportunity to both parties. No prejudice will be caused to the plaintiff if the present application is allowed. In fact, it will help to decide the matter on

merit. Further it will avoid multiplicity of proceeding. The grievance raised by plaintiff can be compensated by imposing costs.

5] Hence, in view of above discussion, application needs to be allowed in the interest of justice. Therefore, I proceed to pass the following order.

ORDER

- 1) Application (Exh.115) is allowed subject to costs of Rs.1000/-.
- 2) On payment of costs, No written statement order shall stand as set aside.

Palghar
Date : 21/03/2025

(Amit P. Kokare)
Civil Judge Senior Division,
Palghar.