

R.C.S.No. 953/2024
Bhartiya Buddha -Vs
- N I T

ORDER BELOW EXH.17
(Passed on 07.11.2024)

Perused the application of defendants. Say filed by plaintiffs. Heard Ld. advocate for both.

2) Defendants contended that, summons was served to them and they appeared through advocate. But defendant no.1 is a statutory trust constituted by Nagpur Improvement trust Act is competent authority involved in the number of cases could not ascertain the requisite information for preparing reply and W.S. within time. Therefore, they could not filed W.S. within time and court has passed no W.S. order on 23.09.2024.

3) Plaintiff resisted the application by filing say on the ground that suit is pending for order on temporary injunction application. The reason mentioned by defendants are not proper and prayed for rejection of application with costs.

4) Documents on record discloses that, defendants appeared but not filed w.s. within time, therefore, suit has been proceeded without w.s. of defendants by order dated 23.09.2024. Defendants being a statutory trust for ascertaining requisite information could not filed ws within time. The reason mentioned by defendants is appears to be

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reasonable. In order to decide suit on merit w.s of defendants need to be accepted. Hence, in the interest of justice I pass following order :-

ORDER

- 1] The application is allowed and no W.S. order passed against defendants is hereby set aside.
- 2] No order as to costs.

Date: 07.11.2024
Nagpur

(S. P. Rachkar)
Jt. Civil Judge (Jr.Dn.)
Nagpur

CERTIFICATE

I affirm that the contents of this P.D.F. file of Judgment are word to word, as per original judgment.

Name of Stenographer : R. W. Vindane,
attached to Jt. Civil Judge
(Jr.Dn.) Nagpur