

IN THE COURT OF SMALL CAUSES, AT MUMBAI**ORDER BELOW EXHIBIT-42****IN****R.A.D. SUIT NO. 257 OF 2021****[CNR NO. MHSCA 20003982021]**

Meena Ajit Phadke & Anr.

.....PLAINTIFF

Versus

M/s. Aarti Realchem LLP & Ors.

.....DEFENDANTS

Coram : A. H. Baig
Judge, C. R. No. 9
Date : 27/09/2024

: ORDER :

Perused the application and say filed. Heard both the learned advocates. By moving present application, defendants have prayed for setting aside No written statement order dated 05/06/2023 passed against them. Fair chance should be given to the defendants to contest this suit by filing their written statement. As per principle of natural justice 'Audi Alteram Partem', no person shall be condemned unheard. If such opportunity is given to defendant by setting aside no written statement order, no serious prejudice will be caused to the plaintiff. On the contrary, suit will be decided on merits. Accordingly, I hold that application deserves to be allowed in the interest of justice and fair play. Hence, the order :

: ORDER :

1. The application is allowed in the interest of justice.
2. No written statement order dated 05/06/2023 passed against defendants is hereby set aside.

Date : 27/09/2024**Mumbai**

Dictated On : 27/09/2024
Transcribed on : 27/09/2024
Checked and signed on : 27/09/2024

(A. H. Baig)
Judge, C.R. No. 09

