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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**APPEAL FROM ORDER No. 717 OF 2016
WITH
CIVIL APPLICATION No. 274 OF 2018**

Smt. Alka Nitinkumar Raja ... Appellant
Vs.
Prakash Sitaram Pandhere & Anr. ... Respondents

Mr. Manoj Sonawane i/b K. P. Tiwari & Co., for the Appellant.
None for the Respondents.

CORAM : V. M. DESHPANDE, J.

DATE : JULY 16, 2018

PC :-

. Heard learned counsel for the appellant. By the present appeal the appellant is challenging the order dated 7/7/2016 passed in Notice of Motion No.3198/2015 in S.C. Suit No.2371/2012. By the impugned order the Court below has set aside order dated 12/3/2014 directing to proceed the suit ex-parte and permitted the respondents/defendants to file written statement within 10 days from passing of the order subject to payment of cost of Rs.3,000/- to be paid to Legal Aid Committee.

2. Learned counsel for the appellant fairly states that though the appellant was directed to supply copy of the plaint and other documents, till today the same are not supplied. Resultantly, it is quite possible that defendant will not be able to file written statement within the stipulated period.

3. I have gone through the order passed by the Court below, in my view taken by the Court below cannot be faulted especially when the litigation has to be decided on its own merits. In that view of the matter, no interference is necessary in the impugned order. The respondents/original defendants are permitted to file written statement within a period of 10 days as directed by the Court below Appeal is dismissed and is accordingly disposed of. No costs. All civil applications are also disposed of.

[V. M. DESHPANDE, J.]