

Before : Shri A. M. Chandekar
Prothonotary & Senior Master
Date : 05th March, 2018

FOR HEARING & FINAL DISPOSAL (ORIGINAL SIDE MATTERS) :

9 CHOL/123/2018) Mr. Anil D'souza, Advocate for
S/916/2013) Applicant/Defendant No. 1.
)
) P.C. : The present Chamber Order is taken out
) by Defendant No. 1 for setting aside
) Order dated 07.08.2017 by which Suit
) against Defendant No. 1 was transferred
) to the list of Undefended suits.
)
) Ld. Counsel for Applicant has placed on
) record Affidavit of Service, which is
) taken on record. Despite service, none
) appeared on behalf of the Respondent/
) Plaintiff.
)
) Perused Affidavit in Support. Heard Ld.
) Counsel for Applicant. Affidavit in
) Support reveals that Defendant No. 2
) expired and by Order dated 26.04.2017
) Plaintiff was directed to carry out
) amendment in the Suit. According to
) the Applicant during that period,
) Applicant under gone treatment, for
) which he was required to carry out
) various medical test from time to time.
) Therefore, he could not finalize and file
) written statement within time.
)
) Since none appeared on behalf of the
) Respondent to resist Chamber Order,
) contention raised by the Applicant needs
) to be accepted. Accordingly, Chamber
) Order is granted as prayed and signed
) separately. No order as to costs.

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contd...)
CHOL/123/2018)
S/916/2013)

Applicant/Defendant No. 1 is directed to file written statement on or before 19.03.2018, failing Suit against Applicant/Defendant No. 1 be transferred to the list of Undefended Suits.

Date : 05.03.2018

Prothonotary & Senior Master