

MHKO160007922022



ORDER BELOW EXH.01 IN
CIVIL M.A.NO.60/2022

1. Applicant filed this delay condonation application for causing delay for filing application under Order 9 Rule 13 of C.P.C. against the judgment and order passed in R.C.S.No.80/2020. It is stated by the applicant that 30 days delay has been caused to file this application under Order 9 Rule 13 of C.P.C. Due to Covid Lockdown situation, applicant was unable to visit his advocate, and, this delay is caused. Applicant further stated that this delay has been allowed by this court, but, applicant has not deposited the cost amount of Rs.200/-, hence, no say order is passed against him and R.C.S.No.80/2020 is decided without his say. Applicant further stated that in January 2022, an eye surgery has been performed on his one eye. Also he was admitted in the hospital for the treatment and surgery of another eye of the applicant. The delay is not intentional. Hence, applicant prayed to allow this application.

2. Opponent has filed his say at Exh.9 stating that the facts stated in the application are false and bogus. The facts narrated about the eye surgery of the applicant are false. The said R.C.S.o.80/2020 is decided without say of the applicant on 24/08/2022. Hence, opponent prayed to reject the application. Alternatively, if this court comes to allow this applicant, then, opponent prayed that maximum cost be saddled on the applicant.

3. Read the application, and say filed by the non applicant. The application is filed for condonation of delay of 30 days caused for filing application under Order 9 Rule 13 of C.P.C. against the judgment and order passed in R.C.S.No.80/2020. Applicant has stated that the delay is caused due to Covid lockdown situation and due to his eye-surgery and treatment. Opponent has denied all the contents of the application and prayed to reject the application. Alternatively, opponent prayed to allow the application by imposing maximum cost on the applicant. It is seen that, the delay is not intentional. The reasons mentioned in the application are justifiable. No prejudice would cause to the opponent if this application is allowed, he can be compensated by money. Hence, this application deserves to be allowed in the interest of justice. Hence, following order.

ORDER

1. Application is hereby allowed.
2. The delay caused for filing application under Order 9 Rule 13 of C.P.C. against the judgment and order passed in R.C.S.No.80/2020 is hereby condoned subject to cost of Rs.500/- to the non-applicant.
3. Application is hereby disposed off.

Date:- 20/04/2023
Place:- Shahuwadi

(Amol Shriram Shinde)
Civil Judge Junior Division,
Malkapur – Shahuwadi,
Dist. Kolhapur