

	Special Civil Suit No.1157/2019
	CNR No.MHPU02-004849-2019
	Poonam Vikas Gaikwad & Ors. Vs. Chaban Baburao Kamthe & Ors.

ORDER BELOW EXH.91

Perused application and say. It is submitted by defendant No.13 that the suit summons and notice are served on plaintiffs on 16/09/2019 and on 25/09/2019, plaintiff appeared through Advocate. Thereafter, Covid pandemic started and due to that, he could not file written statement. He further submitted that defendant No.13 is diabetic patient. He needs medical treatment and assistance. Due to that, he could not file written statement within time. On 09/11/2023, No Written Statement order is passed against defendant No.13 and it is necessary to set aside No Written Statement order passed against defendant No.13.

2. Plaintiffs filed their say and submitted that reasons stated by the defendant to condone the delay are not just and sufficient.

3. Considering nature of suit and the reasons mentioned in the application and to decide said suit on merit, I think that it would be just and proper to set aside No Written Statement order passed against defendant No.13 subject to payment of costs. Hence, I pass following order :

ORDER

1. Application is allowed.
2. No Written Statement order passed against defendant No.13 is set aside and permission is granted to file the Written Statement

subject to payment of costs of Rs.3,000/- (Rupees Three Thousand) out which costs of Rs.2,000/- (Rupees Two Thousand) be credited to the Government and Rs.1,000/- (Rupees One Thousand) be given to plaintiffs.

Pune.

Date : 14/06/2024

(S. S. Shinde)

5th Jt. Civil Judge Senior Division, Pune

CERTIFICATE

I affirm that the contents of this P.D.F. file Order is same word for word as per original Order.

Name of Steno	: Mr. Abhishek Arun Gite Stenographer (Grade-II)
Court Name	: Shri. S. S. Shinde : 5 th Jt. Civil Judge Senior Division, Pune.
Date of Order	: 14/06/2024
Order signed by P.O. On	: 14/06/2024
Order uploaded on	: 14/06/2024