

[CNR NO.MHSCA2-001727-2023]

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT - 10

IN

R.A.D. SUIT NO.1241 OF 2023

Jatashankar Tiwari and Anr. : Plaintiffs

V/s.

Mohmed Islam Qureshi and Ors. : Defendants

Mr. Rajesh R. Dixit, Ld. Advocate for the plaintiffs

Mr. Rajesh M. Yadav, Ld. Advocate for defendant Nos.2 to 5

Coram : S.G. Kore, Judge,
Court Room No.15,

Date : 13.06.2024

ORAL ORDER:-

Defendant Nos.2 to 5 have filed the application for condonation of delay in filing written statement.

2. Brief facts of the application is as under:-

The suit is filed for declaration of tenancy. Writ of Summons was served on defendant Nos.2 to 5 on 01.12.2023. The document asked by the Advocate was not traceable due to which defendants are unable to co-ordinate to his Advocate for preparation of written statement and finally lack of some document they have requested the Advocate to prepare the written statement without the document. As per defendants' instruction, written statement was prepared and there is delay of 83 days which is within 90 days from service of summons in filing of written statement. Therefore requested to allow the application.

3. The plaintiff has strongly resisted the application by filing say below the application. There is no any reasonable cause to condone the delay, therefore requested to reject the application.

4. Perused the application and the say. Heard the learned advocates for the respective parties at sufficient length. In case written statement will be accepted, no prejudice will be caused to the plaintiffs. Therefore, the application deserves to be allowed. Hence, I pass the following order.

ORDER

- 1) The application is allowed subject to costs of Rs.500/- (Rs. Five Hundred only) payable to plaintiff.
- 2) The delay caused in filing the written statement is condoned.
- 3) On payment of costs written statement of the defendants be taken on record.

Mumbai
Date : 13.06.2024

(S. G. Kore)
Judge, C.R. No.15