

MHAM020039372023



Spl.C.S./308/2023
Harish Kewalramani Vs. National Highway
Authority Of India

COMMON ORDER BELOW EXH.19, 20 AND 21

(Dtd.13/07/2026)

Applications at Exh.19 and 21 is filed by defendant No.1 for setting aside “no written statement” order dated 06/12/2024. The application at Exh.20 is filed by defendant no.1 for condonation of delay in filing the application for setting aside order dated 06/12/2024.

2. It is the case of defendant No.1 that, defendant No.1 is a Government Authority and is governed by the National Highways Act 1956. Initially certain vital instructions were not available with the present defendant for incorporating the written statement in respect of subject suit. Therefore after receipt of proper certified copies of the relevant documents sale deeds and instructions defendant no.1 referred the said case to Competent authority of NHAI for proper approval of written statement. On 06/12/2024 no written statement order is passed against defendant no.1. Recently defendant has received necessary approval for filing written statement and accordingly defendant no.1 intends to file written statement. The delay is neither intentional nor deliberate. In order to decide the case on merit, it is necessary to condone the inadvertent delay of 262 days and to grant an opportunity to defendant No.1 to file its W.S. Hence, the applications may be allowed.

3. The plaintiffs have filed their say at Exh. 22 and 23 and strongly opposed the applications. It is the say of plaintiffs that, defendant no.1 was duly served with notice on 21/11/2023 vide Exh. 8

and appeared through an advocate on 19/01/2024. Defendant no.1 was thus fully aware of the proceedings. Despite repeated opportunities granted by the Court defendant deliberately failed to file the written statement within the prescribed time. That even from the day the documents have been supplied to the defendant no.1 on 19/07/2025, there is an deliberate delay of more then on and half year. The delay is attributable solely to gross negligence, inaction and lack of diligence and not to any unavoidable circumstances. Defendant has not shown any sufficient cause for its inability to file the written statement within prescribed period. Hence, the applications may kindly be rejected.

4. Perused the applications, say and the documents on record. Perused the written notes of argument at Exh. 24 filed by defendant. Heard Ld. Advocate for defendant and the plaintiffs.

5. It appears from record that, defendant No. 1 has its appearance on 19/01/2024. However, it has not filed its W.S. till filing present applications. No documents (correspondence between defendant no.1 and its advocate regarding the approval to file the written statement) produced on record by the defendant in support of its contentions regarding the reasons for delay as stated in the applications. The reasons stated in the applications appear to be vague. However, denial of the opportunity to file W.S. would cause serious prejudice to defendant No. 1, as he would not be able to putforth its defence. Hence, it is necessary to grant it an opportunity to file its W.S. No W.S. order is passed on 06/12/2024. Whereas the applications at Exh. 19 is filed on 25/08/2025. However, that application was not accompanied by the written statement. Thereafter on 15/09/2025, the application at Exh. 20 and 21 came to be filed along with the proposed written statement. Admittedly there is a delay of about 9 months to file

W.S. The delay can be compensated by imposing costs on the defendant no.1. Hence, I pass the following order:-

ORDER

1. The applications are allowed subject to payment of cost of Rs.500/- by the defendant No.1 to the plaintiffs.
2. No written statement order dated 06/12/2024 is set aside subject to payment of aforesaid cost by defendant no.1 to the plaintiffs.
3. Defendant No.1 to pay the cost on or before next date. The payment of cost shall be condition precedent to take the W.S. of defendant no.1 on record.

Dt.13/07/2026.

(Rajendra Vasant Kadam)
10th Jt. Civil Judge, Sr.Dn.,
Amravati.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of Stenographer	Ashish S. Ronghe, Grade-2
Name of Court	10 th Jt.C.J.S.D., Amravati.
Date of Dictation	13/07/2026
Judgment/order signed by the PO on	13/07/2026
Judgment/order uploaded on	13/07/2026

Sd/-

(Ashish S. Ronghe)
 Stenographer, Grade-2
 10th Jt.C.J.S.D., Amravati.