

**IN THE COURT OF SMALL CAUSES AT MUMBAI**  
**ORDER BELOW EXHIBIT- 12**  
**IN**  
**R.A.D. Suit No.424 of 2020**

Mr. Karl N. Mascarenhas      and anr.      ..Plaintiffs

**Versus**

M/s. Suvidha City Privae Ltd.      ..Defendant

**Appearance :**

Kapadia M. Ld. Adv for the plaintiffs

K.P.Gala Associates Ld.Adv.for the defendant

**Coram : A.M. Kulkarni**  
**Court Room No. 06**  
**Date :1<sup>st</sup> November,2022**

**ORDER :**

Defendant has filed the present application for seeking permission to file written statement on record by setting aside order dtd.18.02.2021.

2.            It is the contention of the plaintiffs that, they are served with the suit summons on 23.12.2020 thereafter, there was a lockdown imposed by the Government due to covid-19 pandemic therefore, he could not give instructions to the Advocate for drafting the written statement. On 18.02.2021 Court has passed Exparte order against the defendant. It is further submitted that delay is not deliberate in nature. Lastly it is prayed that application is allowed. Plaintiff has not filed his reply to the application.

3.            After considering the reason mentioned in the

application in my view it would be just and proper to allow the application. No prejudice will cause to the plaintiff if the application is allowed. In order to decide, the suit on merits instead of deciding it on mere technical ground, in my view it would be just and proper to allow the application. Hence, I pass the following order :

**ORDER :**

1. Application is allowed subject to cost of Rs.300/- to be deposited with the Legal Aid Authority.
2. Written statement will be taken on record after compliance of the order.

**Sd/-**

**Mumbai.**

**Date : 1<sup>st</sup> November,2022**

**[A. M. Kulkarni]**

**Judge, C.R. No.06**