



Order below Exh.23 in Spl. C.S. No.227/2020

(Old Spl. C.S. No.156/2019)
(Bank of India Vs. Hanif Bhikan Mulla)

(1). Perused application and say filed by the plaintiff-bank below it. Gone through record. Present application is filed by defendant No. 16 for setting aside of 'No WS' order. It is contended that, plaintiff-bank had filed more than 100 cases at various Courts at Sangli and Kadegaon. Therefore, much time had been consumed for taking legal assistance. Hence, the present defendant could not be able to file his WS within time. Lastly, it is contended that present defendant has not caused any intentional delay in filing WS and if he is not permitted to file the same, he will suffer irreparable loss. Hence, the application.

(2). Application is opposed by the plaintiff stating that, the reason given in the application is not valid and proper and in-spite of getting ample opportunity, present defendant has intentionally caused delay in filing WS. Hence, it is prayed to reject the application with costs.

(3). Perusal of record, defendant No. 16 is appeared through his Advocate on 25/07/2019 *vide* Exh.15. But he has failed to file his written statement within limitation which expired on 24/10/2019 and the present application is filed on 19/11/2019. Therefore, there is delay of almost one month in filing written statement. However, the present suit is filed for

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recovery of amount and present defendant is necessary party. Therefore, in the interest of justice, it is necessary to give an opportunity to present defendant for raising his defence. So also, the delay caused by present defendant in filing written statement can well be compensated in terms of costs to the plaintiff. Hence, the following order :-

ORDER

- (1). The application is allowed subject to costs of Rs.200/- to be paid to the plaintiff.
- (2). After receipt of costs, written statement of defendant No.16 be taken on record.

Vita

Date : 28/03/2022

(A.N.Kulkarni)

**Joint Civil Judge Senior Division,
Vita.**

CERTIFICATE

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

Name of Stenographer : S. A. Mane (Grade-II)

Court : Jt.Civil Judge Senior Division, Vita

Date : 28/03/2022

Order signed by the : 28/03/2022
Presiding Officer on

Order uploaded on : 29/03/2022