

09/05/2024 CORAM -City Civil and Addl. Sessions Judge SMT. S. S. TODKAR (C. R. NO.3) COM SUM- 146/2022 Advocate Kunal Kumbhat for plaintiff present. Advocate Angeline Rodriguez alongwith Adv. Aditi Prasad for defendant No. 5,8 and 20 for defendant present. Advocate Vedprakash Mishra for defendant nos. 1, 2, 13 and 19 present. None for other defendants. ORDER ON NOTICE OF MOTION NO. 1286 OF 2024 Defendant No.19 had taken out Notice of Motion No. 1286 of 2024 for condonation of delay in filing reply on Summons for Judgment No. 85/2022. According to defendant No. 19 the copy of Summons for Judgment no. 85/2022 was duly served upon the advocate for defendant No.19 on 02/03/2024. But defendant 19 failed to file reply on Summons for Judgment No. 85/2022 within time. If defendant 19 is not allowed to contest the matter great harm, injury, prejudice and loss will be caused to the defendant No.19. So, in the interest of Justice the Notice of Motion be allowed. Advocate for plaintiff filed reply on Notice of Motion No. 1286 of 2024 itself and raised objection. According to plaintiff there is no sufficient cause given for condonation of delay in filing reply on S/J. Heard both sides. Considering the nature of suit, it is necessary to give opportunity to the Defendant No. 19 to file reply on Summons for Judgment No. 85/2022 subject to costs. Hence, I pass following order- 1.Notice of Motion No. 1286 of 2024 stands allowed with costs. 2.Delay in filing reply on Summons for Judgment No. 85/2022 of defendant No.19 is hereby condoned subject to costs of Rs.3,000/- (Rupees Three Thousand Only). The Costs be paid to the plaintiff in person. 3.After payment of costs the reply on Summons for Judgment No. 85/2022 of defendant no. 19 be taken on record. 4.Notice of Motion No. 1286 of 2024 is disposed off accordingly. ORDER ON NOTICE OF MOTION NO. 1443 OF 2024 Defendant Nos. 5,8 and 20 have taken out Notice of Motion No. 1443 of 2024 for condonation of delay in filing reply on Summons for Judgment No. 85/2022. According to defendant Nos. 5,8 and 20 the copy of Summons for Judgment no. 85/2022 was duly served upon them but defendant nos. 5,8 and 20 failed to file reply on Summons for Judgment No. 85/2022 within time. If defendant Nos. 5,8 and 20 are not allowed to contest the matter great harm, injury, prejudice and loss will be caused to the defendant Nos. 5,8 and 20. So, in the interest of Justice the Notice of Motion be allowed. Advocate for plaintiff filed reply on Notice of Motion No. 1443 of 2024 itself and raised strong objections. According to plaintiff there is no sufficient cause given for condonation of delay in filing reply on S/J. Heard both sides. Considering the nature of suit, it is necessary to give opportunity to the defendant Nos. 5,8 and 20 to file reply on Summons for Judgment No. 85/2022 subject to costs. Hence, I pass following order- 1.Notice of Motion No. 1443 of 2024 stands allowed with costs. 2.Delay in filing reply on Summons for Judgment No. 85/2022 of defendant Nos. 5,8 and 20 is hereby condoned subject to costs of Rs.3,000/- (Rupees Three Thousand Only). The Costs be paid to the plaintiff in person. 3.After payment of costs the reply on Summons for Judgment No. 85/2022 of defendant Nos. 5,8 and 20 be taken on record. 4.Notice of Motion No. 1443 of 2024 is disposed off accordingly. Adjourned for compliance and hearing on summons for judgment no. 85/2022 to 06-07-2024.