



Spl. Civil Suit No. 475/2023

Order below Exh. No. 29

1. By this application, defendant seeks to file his written statement on record.

2. The defendant has submitted that he appeared in the case on 23/11/2023. Since he failed to file his written statement, order to proceed without his written statement came to be passed on 07/02/2024. During this period, talks for compromise were going on between him and the plaintiff bank. Moreover, his father was indisposed in health. He was required to be admitted in the hospital at Pune. Moreover, during his treatment he left for heavenly abode. Therefore, the defendant was in mental stress. Further, he also fell ill and was required to be admitted in the hospital. Therefore, he could not file his written statement within the prescribed period. The present suit is for recovery of money. He will suffer irreparable injury if he is not permitted to file his written statement on record. On these premises, it is submitted that the application may be allowed.

3. The defendant bank has resisted the application vide its reply given on the overleaf. It has denied that any talks for compromise were going on between the parties. It has also denied that the father of the defendant was indisposed in health. No document supporting the said contention has been placed on record. According to the plaintiff bank, the defendant is merely trying to prolong the adjudication of the

present suit. On these premises, it is submitted that the application may be rejected.

4. It must be noted that the defendant appeared on 23/11/2023. Since he failed to file his written statement, order to proceed without his written statement came to be passed on 07/02/2024. The present application has been filed on 12/02/2026, that is, almost after more than two years. The defendant has put forth the reason therefor that his father was indisposed in health and died during the treatment. Further, he was also ill and was required to be hospitalized. However, no document in support of the illness of the defendant or his father has been placed on record. Needless to say that it would be apposite to decide the suit on merits rather than going into technicalities. Therefore, leave to file written statement needs to be granted to the defendant. However, simultaneously appropriate cost also needs to be imposed upon the defendant for the delay cause. Hence, the application needs to be allowed. Accordingly, I pass the following order.

ORDER

1. Application (Exh. 29) is allowed.
2. Leave to file written statement is granted to the defendant subject to payment of cost of ₹2,000/- payable to the plaintiff bank on or before next date.

Kolhapur.
Dt. 08/04/2026

(D. S. Parwani)
9th Jt. Civil Judge Senior Division,
Kolhapur, District Kolhapur.