

**IN THE COURT OF SMALL CAUSES AT MUMBAI
(BANDRA BRANCH)**

**ORDER BELOW EXHIBIT NO.10
IN
L.E. SUIT NO.3 OF 2023**

Santacruz (West) Education Society . . Plaintiff.

Versus

Mr. Madanmohan Chandrabhan Gupta . . Defendant.

**Coram : A.S. Pandagle, Judge
C.R.No.32
Date : 28/8/2023.**

ORAL ORDER :

1. Perused the application and say filed thereon.
2. Heard both sides.
3. Present application is filed on behalf of defendant for condonation of delay in filing written statement and for permission to file written statement on record. By filing present application it is contended that suit summons was served to defendant on 13/2/2023 and the suit is fixed for filing written statement of defendant on 14/3/2023. The defendant took some time to search and arrange for those documents and to give instructions for drafting the written statement to his advocate, therefore, the defendant could not file written statement within 30 days from the service of summons. Therefore, submitted that the delay caused for filing written statement may kindly be condoned and defendant may be permitted to place his written statement on record.

4. On the other hand, plaintiff by filing reply resisted the application and submitted that defendant has deliberately not filed written statement within stipulated time. No application was forwarded for extension of time, delay is not properly calculated, there is inordinate delay, there is no specific reason how he was prevented from filing written statement within stipulated time, application is devoid of merits, therefore, submitted that application may be rejected with heavy costs.

5. After hearing both sides, gone through the contents of the application and reply filed thereon, also gone through the record of the proceedings, considering the reason stated in this application, if the defendant is permitted to file his written statement on record by condoning the delay subject to costs, it would not cause prejudice to the plaintiff, it would definitely becomes helpful for deciding the matter on its merit. Hence, I proceed to pass the following order.

ORDER

1. Application is allowed, subject to costs of Rs.500/- (Rs.Five Hundred only) to be paid to plaintiff, on or before next date.
2. Delay is hereby condoned, defendant is permitted to place his written statement on record, after payment of costs amount.

Bandra - Mumbai.
Date : 28/8/2023.

(A.S. Pandagle)
Judge, C. R. No.32.

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