

: 1 :

IN THE COURT OF SMALL CAUSES AT MUMBAI
(Bandra Branch)

ORDER BELOW EXHIBIT NO. 32

IN

R.A.D. Suit No.3 of 2023
[CNR No.:- MHSCA3-001329-2022]

Mrs. Sonali Sushil Loke ... Plaintiff

Versus

1. Mr. Narendra Jagdish Agarwal & Ors. ... Defendants

Mr. Pradeep Singh, Ld. Advocate for the Plaintiff.

Mr. Vinod Joshi, Ld. Advocate for the Defendant No.3.

Coram : R. M. Tuwar, Judge,
Court Room No. 40.

Date : 14.07.2026.

:: **ORDER** ::

This application is taken out by defendant No.3 for condonation of delay for filing written statement on record. It is contention that the delay is neither intentional nor deliberate. Defendant No.3 could not filed written statement within time due to unavoidable circumstances.

2. Plaintiff filed reply and opposed the application on the ground that defendant No.3 failed to mention how many days delay are there. The reason stated is not sufficient and prayed for rejection.

3. I heard both the sides at length and it appears that

: 2 :

summons served to the defendant No.3 through RPAD in the month of October 2024 however this application filed by defendant No.3 in the month of September 2025 i.e. after the period of 11 months. The days not mentioned and also no any specific reason given by the defendant No.3 for delay. It is well settled that real controversy between the parties should be decided on the merit only. The matter is of the year 2023, therefore, I am of the opinion that one opportunity be given to the defendant No.3 in the interest of justice. The delay can be compensated by imposing reasonable costs. Hence, I proceed to pass following order :-

:: O R D E R ::

1. The application Exh. 32 is allowed.
2. The delay of 11 months is hereby condoned subject to costs of Rs.2,000/- (Rupees Two Thousand only) payable to the plaintiff on or before next date.
3. After compliance of costs written statement of defendant No.3 filed along with this application will be taken on record.

Date : 14.07.2026.

[R. M. Tuwar]
Judge, C.R. No. 40