

IN THE COURT OF SMALL CAUSES AT MUMBAI

EXHIBIT 15

IN

R.A.D. Suit No. 355 OF 2018

CNR: MHSCA2-000688-2018

Mr. Krishna Parshuram Tawde)... Plaintiff

V/s.

Smt. Shailaja Maruti Tawde & Ors.)... Defendants

VIS LEGIS LAW PRACTICE, Ld. Advocates for Plaintiff

Mr. J.J.Xavier & Ors., Ld. Advocates for Defendants No.7 & 8

Coram : Shri D. S. Thorat, Judge
Court Room No.7

Date : 01/08/2019

ORDER BELOW EX-15:

1. Defendants No.7 & 8 have filed present application for condonation of delay of 138 days in filing the written statement.
2. Defendants submit that they were served with the writ of summons on 27/4/2018 in the above suit and thereafter as per procedure followed by these defendants, the matter was put up before different offices of the Corporation from time to time for taking decision in the matter. Therefore, delay of 138 days caused in filing the written statement and hence same may be condoned.
3. Plaintiff strongly objected the application on the ground that the application is bereft of sufficient cause for condoning the delay as sought and should be dismissed on this ground alone.
4. Perused application and say. Heard.

5. Admittedly, defendants No.7 & 8 are authorities of BMC. They put forth the explanation for delay that the matter was put up before different officials of the Corporation. Likewise, due to voluminous work, the delay is caused. Explanation put forth by defendants No.7 & 8 is not proper in the eyes of law because ignorance of law is no excuse. Again respectable institution like BMC have not filed their written statement within time-limit. However, to meet the ends of justice, it is just and proper to give opportunity of hearing to them, subject to costs payable to the other side. Hence, I pass the following order.

ORDER

1. Application Ex-15 is allowed.
2. The delay of 138 days in filing the written statement is hereby condoned, subject to costs of Rs.2000/- payable to the plaintiff or to be deposited in Court within 2 weeks from today. If the cost is deposited in Court, Plaintiff will be at liberty to withdraw the same.
3. After payment of costs, the written statement of defendants No.7 & 8 tendered on record be taken on file.

(Dictated and pronounced in Open Court)

(D. S. Thorat)
Judge, C. R. No.7
01/08/2019

Order dictated directly on: 01/08/2019

Order transcribed on : 01/08/2019

Order checked & signed : 02/08/2019

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