

Order below Exh.71 in RCS No.101/2018

By this application defendant No.2 has requested to condone the delay caused by him in filing his additional WS and to accept his additional WS, on the grounds mentioned in the application. Plaintiff has filed his say at **Exh.74** and raised strong objections. Perused application and say. Heard both the sides. Record shows that the application filed by plaintiff at **Exh.59** seeking amendment in the plaint came to be allowed by order dated 18/01/2020 and accordingly, on 27/01/2020 the plaintiff has submitted amended plaint. It was the duty of defendant No.2 to submit his additional WS within stipulated period. He failed to do so.

2. Record shows that this application is filed by defendant No.2 on 14/02/2023 along with his additional WS. The period between 15/03/2020 to 28/02/2022 was exempted due to Covid-19 Pandemic and therefore, this period needs to be excluded from the period of delay caused by defendant No.2. Still, there is delay of more than one year in moving this application and this delay can be compensated by imposing cost of Rs.1,500/- upon defendant No.2. Hence, I pass following order :-

Order

1. The delay caused by defendant No.2 in filing his additional WS is hereby condoned subject to costs of Rs.1,500/- to be payable by him to plaintiff today itself.
2. After acknowledgment of costs amount by plaintiff, the additional WS filed by defendant No.2 be taken on record.

Date : 02/02/2026

(Ashish B. Marlecha)
Civil Judge Senior Division,
Shrirampur, Dist. A.Nagar.