

	<p style="text-align: center;"><u>Civil Misc. Application No.20/2023.</u></p> <p style="text-align: center;"><u>Lata Shyamrao Jadhav</u></p> <p style="text-align: center;"><u>Vs.</u></p> <p style="text-align: center;"><u>Shalini Kale and others.</u></p>
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ORDER BELOW EXH.115

The respondent nos. 77 and 78 have filed this application for accepting their written statement on record which is filed after the delay of about thirteen days after the stipulated period of 90 days under the provisions of Order VIII Rule 1 of the Code of Civil Procedure.

2. The respondent nos. 77 and 78 , in support of the application have submitted that they could not collect the documents for preparing their written statement within time. It is their submission that they must be given an opportunity to contest the proceedings on merit and accordingly, the application deserves to be allowed.

3. The Applicant vide her say to the application contended that the delay caused in filing the written statement on record is intentional and therefore, she prayed for rejection of the application.

4. Heard learned counsel for both the parties.

5. Perused record. The respondent nos. 77 and 78 were served with suit summons on 06.04.2024 and they were required to file their

written statement on or before 06.05.2024 and at the most within 90 days of the service of summons as per the proviso of Order VIII Rule 1 of the Code of Civil Procedure. The written statement is placed on record with the application on 20/07/2024 i. e. after thirteen days of the statutory period. The reason given for the delay is of non availability of the documents. Though, in strict sense the reason is not justifiable however, considering the say of the applicant and the fact that respondents must get an opportunity to contest the proceedings, the application deserves to be allowed with imposition of appropriate costs for the delay. Accordingly, I proceed to pass the following order. :-

ORDER

Application Exh.115 stands allowed subject to cost of Rs.500/- (Rs. Five hundred only) on both the respondent nos.77 and 78 payable to the applicant.

Date: 20/08/2024

(R.B.Giri)
Civil Judge Sr. Division,
Shrirampur.