

ORDER BELOW EXH.13.

1. The defendant bank has filed present application for permission to file their written statement beyond limitation of 90 days. The defendant bank submitted that they have not deliberately caused delay and if they are not allowed to file their written statement, injustice would cause them. Hence, the application

2. The plaintiff opposed to present application by filing his say overleaf the application. He contend that delay is deliberately made hence heavy cost be imposed on the defendant bank.

3. Perused the record. Heard Ld. Advocates of respective parties. It is seen that defendants bank having been served by summons on 30.06.2023 failed to file their written statement within 90 days. Still I am of view that they should be allowed to file their written statement for proper adjudication of the case and for avoiding multiplicity of proceeding. Liberal view should be taken while deciding such application, however due to default of defendant bank valuable time of the plaintiff & court is wasted. Hence following order is passed.

ORDER

1. Application is allowed subject to cost of Rs. 500/- to be paid to the plaintiff.
2. After payment of cost Written statement of defendant bank shall be taken on record.
3. Plaintiff shall take note of this order.

Sd/-

Date :- 19.03.2024.

Place :- Rahata.

(S.V.Khaire)

Jt. Civil Judge, J.D. Rahata.