



R.C.S No. 61/2024
Sunil Ramdas Vs.
Shyam Wasudeorao
MHAK060010252024

ORDER
(Below Exh.15)
(Passed on 17th of June, 2025)

By way of this application defendant has prayed to condone the delay caused to file No Written Statement order dated 14/11/2025 passed below Exh. 01.

2. Heard both the sides. Perused the application, Say and documents on record.

3. It is submitted on behalf of the defendants that on the defendants being not responded to the call of the Court, subject no WS order is passed against them to set aside such order. The defendants had filed application on 05/12/2024 below Exh. 13 but due to some technical defects it has been not pressed. In addition to the defendants had to collect documents and necessary informant to file WS. Hence, in all total delay of 146 days has occurred to file WS. That, in the interest of justice, it is necessary to condone the delay and WS dated 30/09/2024 of the defendants be taken on record by setting aside the No WS order dated 14/11/2024. It is prayed to allow the application.

4. Per contra, Ld. Advocate for plaintiff resisted the application and prayed to reject the same. However, in the alternative prayed for costs.

5. Admittedly, defendants were served with suit summons on 15/06/2024 and filed their appearance on 26/06/2024 but failed to file WS within stipulated time as contemplated under Order VIII Rule 1 of CPC.

Admittedly, a delay of 146 days has occurred to defendants to file WS. The reason shows by the defendants appears not satisfactory. However, no man should be condemned unheard is the principle of natural justice. The defence if permitted to be taken on record is not going to cause any prejudice to the interest of the plaintiff rather it is going to help the Court to decide the controversy on merit.

6. Therefore, in the interest of justice considering overall facts and circumstances of the case, I am inclined to allow the application. So far quantum of delay is concerned, undoubtedly it is heavy one. However, the Hon'ble Bombay High Court in the case of **Brihan Mumbai Electric Supply and Transport Vs. BEST Jagrut Kamgar Sanghatana** in Writ Petition No. **8045 of 2023** decided on 25/09/2023 has made it clear that explanation for each day of delay is not required to condone the delay U/s. 5 of the Limitation Act. Therefore, in my opinion, saddling cost upon the defendants would suffice the purpose. Hence, in my opinion following order would meet the ends of justice.

ORDER

1. The application Exh. 15 is allowed with cost of Rs. 1000/- (in words – Rs. One Thousand only) payable to the plaintiff.
2. On payment of aforesaid cost the delay is hereby condoned and No Written Statement Order dated 14/11/2024 passed below Exh. 01 stands set aside and WS dated 24/10/2024 stands taken on record.

S.d/-

(A.A. Mali)

Date : 17.06.2025

Place : Akot.

2nd Jt Civil Judge (Jr.Dn), Akot.
Tq. Akot, Dist. Akola.

RCS No. 61/2024
Order/Exh. 15

CERTIFICATE

I affirm that the contents of this PD.F file Order are same word to word as per the original order.

Name of Stenographer	:	P. N. DURATKAR
Court Name	:	2 nd Joint Civil Judge (Jr.Dn.) & JMFC, Akot Tq. Akot, Dist. Akola
Date of decision	:	17/06/2025.
Order Signed by P.O on	:	17/06/2025.
Order Uploaded on	:	19/06/2025.