

ORDER BELOW EXH. 12
(Passed on 10.11.2021)

01. Defendant filed this application for seeking permission to file his written statement on record. He contended that on the date of hearing there was spreading of Covid-19 pandemic, so, due to Lock-down the regular working of Court was closed. So also, defendant was found Covid-19 Positive, due to this he could not appear and filed his written statement on record. Lastly, he requested for seeking permission to file his written statement.

02. On the contrary learned Advocate for plaintiff submitted that on 10.12.2019 the suit summons was duly served upon defendant, thereafter, on 01.09.2021 defendant applied for permission. But he did not explain the reason of delay. Defendant did not produce any medical certificate about his Covid-19 Positive on record. It means defendant stating false. Lastly, plaintiff requested for rejection of the application.

03. Perused an application at Exh. 12, supported with affidavit, I have gone through with the say of plaintiff, documents and record of the case. The present suit came to be filed in the year 2019. It was fixed for filing of written statement. The suit summons was duly served upon defendant on 10.12.2019 as per report Exh. 6. In spite of this, defendant failed to file his written statement on record. Now after near about 2 years, defendant applied for permission to file his written statement. It is true that he has not filed any medical certificate about his positivity of Covid-19. The delay is at about 2 years. Though, my learned predecessor has not passed no written statement order at Exh. 1 but, after laps of 90

days to the date of service of summons, automatically by law it can be treated No W. S. order. The reason mentioned is sufficient cause and in order to proper and final disposal of the case, the defendant is required to be heard. Therefore, application deserves to be granted. In this, plaintiff would not be suffer, unnecessarily. Considering above aspect, I pass the following order.

- O R D E R -

- 01) The application at Exh. 12 is allowed, subject to payment of costs of Rs.1,000/- payable to plaintiff, on or before next date.
- 02) After payment of cost, defendant is at liberty to file his written statement on record.
- 03) If defendant is failed to pay cost amount within above period, application deemed to be rejected.

Sd/-

(V. S. Raut)

Civil Judge Jr. Division, Lonar.
J.O. Code : MHBI-02-2830

Lonar

Date : 10.11.2021.

Below Exh. 12

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R.C.S. No. 60 / 2019
Rukhminabai Vs. Nanasaheb

I affirm that the contents of this PDF file Order / Judgment are correct word to word as per the original.

Name of Court :- Shri V. S. Raut,
Civil Judge Jr. Dn. Lonar.

Name of Steno :- Shaikh Imran Abdul Rauf
Stenographer, Grade - 3, Lonar.

Date : 10.11.2021