

BEFORE THE CO-OPERATIVE COURT NO.1

AT MUMBAI

CASE No. CC/I/ 99 / 2021

C. V. Shinde

... Disputant.

Versus

Umerkhadi CHSL and Ors.

... Opponents.

ORDER

1. This is an application filed by Opponent No.1 to condone the delay in filing Written Statement. The disputant orally objected to the application.
2. The opponent has given detailed reason for not filing written statement within stipulated period. It is the contention of the opponent that, this opponent has filed an application for jurisdiction which was granted by this court on 30/09/2021 and the dispute was rejected. Thereafter, the disputant has preferred an appeal before the Hon'ble Appellate Court which was set aside the order of this court and the parties were directed to appear before this court on 18/04/2022. There was no fresh summons issues upon the opponent. Hence, the limitation for filing written statement is not at all applicable. If there is any delay, prayed to condone and allowed to file written statement on record.
3. On the other hand Disputant submitted that the opponent is aware about the proceeding before this court, hence, as per the law the opponent has to file

the written statement within the stipulated period. Hence, prayed to reject the application.

4. As per the Order VIII, Rule 1 of Code of Civil Procedure, 1908 the Written Statement has to be filed with 30 days after the appearance on service of summons or by seeking adjournment at the most within 90 days from the date of appearance.
5. In the set of referred facts it is necessary to mention as to decide the Dispute or the real controversy, the pleadings must be before the Court for the determination of the issues involved. Considering the reasons mentioned in the application and the fair submission on the part of Opponent it is just and proper to allow to put forth the pleadings on record so that there can be finalization to the subject matter. Hence, delay needs to be condoned having put forth the sufficient grounds for the same by following Order.

ORDER

1. Application is allowed.
2. The prayed delay is hereby condoned.
3. Written Statement stands read and recorded.

Date : 10/08/2022

(M. M. Bade)
Judge,
Co-operative Court No.1,
Mumbai.

<u>Certificate</u>	
I affirm that the contents of PDF file order are same word for word as per original order.	
Name of the Steno	Shri. Shaikh K. A. (L.G. Steno)
Court Name	Mrs. M. M. Bade, Judge, Co-operative Court No. 1, Mumbai.
Order dictated on	10/08/2022
Order transcribed on	10/08/2022
Order checked and signed by PO	10/08/2022
Order uploaded on	10/08/2022