

In the Court of Judge, Co-operative Court Thane at Thane
(Presided over by Smt. S. K. Tonpe, Judge)

Dispute No. CCT 84/2023
CNR No. MHCO04-000084-2023

Dr. Suresh Deshpande

Disputant

V/S

Pushkaraj Prasad CHS Ltd.

Opponent

Order
(Below application Exh. 11)

1. The present application is filed by the opponent for condonation of delay to file say/ written statement on record. The opponent stated that the opponent has filed the vakalatnama on record wherein the undersigned advocate had appeared and and after that, the undersigned advocate had an medical emergency which was grave in nature and had been an emergency which was unavoidable. The copies of the medical papers of the undersigned advocate are annexed along with the said application. The said medical emergency was an emergency one and a complete bed rest of one month was advisable and hence client briefing could not be taken by the undersigned due to which the written statement could not be filed immediately. There was no any deliberate delay or attempt to prolong the procedure. The delay can be condoned and the written statement be taken on record. Hence prayed for to kindly take the written statement on record.

2. The disputant filed reply on the application itself and submitted that the present application is strongly objected subject to heavy cost.

3. After hearing both the parties and perusing the documents on record following points arise for my consideration.

Sr. No.	Points	Findings
1	Whether the application is entitled to be allowed ?	In the affirmative
2	What order ?	As per final order

REASONS

AS TO POINTS NO. 1 AND 2

4. Perused the application, say, proceeding. After hearing both the parties it appears that opponent has appeared before this Court on 30/06/2023. The present application of delay condonation along with written statement is filed by the opponent on 21/10/2023. It is the contention of the opponent that the undersigned advocate had an medical emergency which was grave in nature and a complete bed rest of one month was advisable and hence client briefing could not be taken by the undersigned due to which the written statement could not be filed immediately. For the same opponent have filed medical documents on record. If the application is allowed, no harm will be caused to the disputant. Per contra if the application is rejected, irreparable loss will be caused to the opponent. Considering the medical reason mentioned in the application and considering delay to file written statement on record, to decide the case on merits and in the interest of justice it is legal and proper to pass the following order.

Order

1. Application at Exh. 11 is allowed .
2. The delay caused to file the written statement is hereby condoned and written statement is hereby read and recorded.

Place : Thane
Date : 04 / 11 / 2023

Sd/-
(Smt. S. K. Tonpe)
Judge
Co-operative Court, Thane