

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

Dispute No. CCT 97/2021
CNR No. MHCO04-000105-2021

Shri. Vikas Chaudhary

Disputant

V/S

Nalanda CHS Ltd.

Opponent

Order
(Below application Exh. 30)

1. Pending dispute, opponent has filed present application inter alia seeking the relief for condonation of delay in filing amended reply to ad-interim application and written statement. The opponent stated that disputants had filed amended ad-interim application and amended dispute on 30/11/2021. Thus amended reply as well as amended written statement were supposed to be filed by 28/02/2022. But due to the onset of third wave of covid-19 in the interim period, amended reply as well as amended written statement couldn't be filed within the statutory period of limitation and as such there is a delay of nearly 22 days in filing the same. The opponent further stated the above mentioned delay is not intentional and the same was caused due to circumstances beyond the control of the opponent. It is further submitted that by means of order passed by the Hon'ble Supreme Court of India in Miscellaneous Application No. 21 of 2022 in Miscellaneous Application No. 665 of 2021 on 10/01/2022; the Hon'ble Supreme Court has directed that the period from 15/03/2020 till 28/02/2022 shall stand excluded for the purposes of limitation as may be prescribed under any general special laws in

respect of all judicial proceedings. The opponent further stated that if the delay is condoned no prejudice would be caused to the disputants, however great prejudice would be caused to the opponents if the delay in filing amended reply and amended written statement is not condoned. Hence prayed to condone the delay in filing the amended reply to interim application and amended written statement in the interest of justice.

2. The disputant have recorded their reply on the application itself. They submitted that necessary order may kindly be passed with cost.

3. Heard the learned advocates for the respective parties.

4. The learned advocate for the opponent argued that disputants had filed amended ad-interim application and amended dispute on 30/11/2021. The amended reply as well as amended written statement were supposed to filed by 28/02/2022. But due to the onset of third wave of covid-19 in the interim period, amended reply as well as amended written statement couldn't be filed within the statutory period of limitation and as such there is a delay of nearly 22 days in filing the same. The learned advocate for the disputant argued that considering the reason mentioned in the application necessary order be passed.

5. After perusal of the application, say, proceeding it appears that disputants had filed amended ad-interim application and amended dispute on 30/11/2021. Thus amended reply as well as amended written statement were supposed to filed by 28/02/2022. If the application is not allowed then irreparable loss will be caused to the opponent. Per contra if the application is allowed no harm will be

caused to the disputant. Considering the reason mentioned in the application, say filed by the disputant, covid-19 pandemic situation, 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. 30 is allowed.
2. The delay in filing the amended reply to interim application and amended written statement is hereby condoned.

Place : Thane
Date : 13 / 04 / 2022

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