

In the Court of Judge, Co-operative Court Thane at Thane
(Presided over by Smt. B. P. Jadhav, Judge)

Dispute No. CCT 247/2024
CNR No. MHCO04-000285-2024

Mr. Kamlesh Kumar

Disputant

V/S

Sai Maya CHS Ltd. and others

Opponents

Order below application Exh. 8
(Declared on 28/02/2025)

1. The present application is filed by the opponents for condonation of delay in filing the written statement.
2. It is contended that the disputant has filed present dispute against the opponents. Though the summons to answer plaint was accepted by the opponents, on account of personal exigencies and even otherwise, the opponents were not in position to give instruction to the advocate, therefore there is a delay in filing the written statement, which is not deliberate and intentional.
3. It is contended that though the summons to answer the plaint was served on or about 26/10/2024, but for the circumstances mentioned above the written statement could not be filed within a period of 30 days. There is a delay of 56 days in filing the written statement. The delay is not deliberate or willful and the same is regretted. Hence prayed to allow the application and delay of 56 days in filing the written statement be condoned and the opponents be allowed to file their written statement on record.
4. The disputant filed reply on the back side of the application itself and submitted that necessary order may be passed as per law. As opponent has no any sufficient reason to condone the delay hence objected and required to be rejected.

5. After hearing the opponent 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

REASONING

AS TO POINT NO. 1 AND 2

6. Perused application, proceeding and say. The learned advocate for the opponent argued that due to personal exigencies of the opponents they could not give instructions to the advocate. Hence prayed to condone the delay caused to file the written statement.

7. Considering reason mentioned in the application, in the interest of justice and to decide the dispute on merit the delay caused to file the written statement needs to be condoned but subject to cost. Accordingly I pass the following order.

Order

1. Application at Exh. 8 is hereby allowed and delay caused to file the written statement is condoned subject to cost of Rs. 2000/- to be paid to the disputant on or before next date.

Place : Thane
Date : 28 / 02 / 2025

Sd/-
(Smt. B. P. Jadhav)
Judge
Co-operative Court, Thane