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IN THE COURT OF JUDGE CO-OPERATIVE COURT NASHIK

ABN. Case No-918/2019

Shri Ravindra Vs. Lakud Udyog

Order Below Exh 67

1. Read the application and say Exh 69 filed by disputants. Heard learned Advocates appearing for both sides. Perused the record.

2. It appears from record that the opponent No 3 is died during pendency of dispute and hence his Lr's are brought on record by the disputant's by carrying out necessary amendment to the dispute. Thereafter the summons were ordered to be issued to the said Lr's / new opponents. Accordingly thereafter on 2/1/2026 the advocate for the Lr's of deceased opponent No 3 has filed pursis on record to continue his VP Exhibit 56 further. Thereafter on 7/3/2026 the advocate for opponents No 3A to 3C has filed application below Exhibit 63 praying to grant permission to the LR's of opponent No 3 to file their written statement. The said application was objected by the advocate for disputant's contending that the application is time-barred as per order 8 rule 9 but no application for ^{- delay condn -} ~~condonation~~ is filed and hence it is liable to be rejected. Thereafter present application is filed by the opponents praying to ^{- the -} ~~condone~~ delay in filing their written statement and to accept the same.

3. The learned Advocate for disputant's Shri R.B. Sangale has strongly objected the application contending that there is no provision to file delay condonation application after filing of belated written statement on record. He submitted that there is time-limit of 30 days only as per Order 8 rule 9 of CPC for filing additional written statement by the opponents. However within such time written statement is not filed by the opponents and hence same cannot be accepted now by condoning the delay. He argued that the application Exhibit 63 itself is time-barred. So also no reason at all has been mentioned in the said application as to

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why W.S. should be accepted and hence this application is liable to be rejected. He therefore argued for rejecting the application with cost.

4. The learned Advocate for the opponents No 3A to 3C, Shri M.D. Deshpande on the contrary argued that the written statement filed by these opponents was filed within statutory period of limitation however due to objection of the disputants delay condonation application is filed. The delay condonation application even can be filed later on and there is no bar for filing such application. He argued that the LR's have right to file their written statement if required. He therefore argued for allowing the application as prayed by the opponents.

5. Admittedly the delay in filing written statement is sought to be condoned by the opponents by filing present application. The said opponents No 3A to 3C are newly added opponents after death of opponent no 3. The record shows that the deceased opponent No 3 had filed his written statement. Therefore the opponents No 3A to 3C being his LR's are bound by the written statement filed by their predecessor. However at the same time the LR's cannot be denied the right to file their written statement if required disputing their liability, in the attending facts and circumstances of the case. It appears that the written statement sought to be filed by opponent's 3A to 3C is identical with the written statement filed by deceased opponent no 3 except sub para 1 contents. Rest of the written statement is as it is. Therefore there is as such no reason to suffer any hardship or prejudice by disputants if the written statement of these opponents is taken on record.

6. As far as submissions made by learned advocate for disputant's regarding time-limit of 30 days is concerned, as per Order 8 Rule 9 of CPC it is the discretionary power of the court to fix time-limit of 30 days for filing written statement or additional written statement if required from the defendants. It is therefore evident that this provision itself vests power in a court to accept additional written statement from the parties at any time, if required. If there is requirement then the court has to fix the time limit of 30 days for filing the same. Admittedly

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by filing this application the opponents seeks to condone the delay in filing such written statement by them. The learned Advocate for disputant's though argued that such application cannot be entertained after filing of belated written statement, but did not point out any provision which takes away powers of the court to entertain such application. It is true that the belated written statement is supposed to be accompanied by delay condonation application. However that doesn't mean the application filed subsequently cannot be considered. Admittedly in the present case the opponents No 3a to 3c have formally appeared in the matter on 2/1/2026 and placed on record their written statement on 07/03/2026. Thus immediately after their appearance in the written statement was filed by the opponents. In the circumstances I don't find any reason to refuse to accept written statement of the opponents on record. Even otherwise in para 4 of the application it is contended by the opponents that the delay of 34 days is offered due to performance of some rituals after the death of opponent No 3. So also the opponents were not feeling well and because of that delay is occurred in filing the written statement. The said explanation in my opinion is sufficient. Merely for the reason of delay the opponents can't be denied the opportunity of hearing. I have carefully considered the judgements cited by learned Advocate for opponents in which it has been held that extending the time-limit fixed for filing written statement is directory. Therefore in the interest of justice to avoid multiplicity of the proceedings, I pass the following order

ORDER

1. Application stands allowed. The delay in filing a written statement by the opponents No 3A to 3C is condoned and written statement filed by said opponents is accepted subject to cost of obese 500 to be paid by opponent's to the disputant's. The application below Exhibit 63 stands disposal of.

Date :- 18.07.2026


(U.M.Kulkarni) 1817

Judge

Co-op. Court Nashik