

MHJN020008692022



Spl.C.S No.183/2022
Krushna Vs. Rajureshwar
Constructions and Ors.

ORDER BELOW EXH.40

By this application defendant No.1 requested for permission to file written statement on record. Read application. Perused record.

2. It is stated that, defendant No.1 required to collect some document for preparation of written statement but, he could not do it so, stipulated period is over. Hence, requested to allow the application. Plaintiff filed say at (Exh.40) by stating that false ground is mentioned. Therefore, he has prayed to disallow application.

3. It is a matter of record that, proceeding is arising out of civil dispute. Record shows that defendant No.1 served with suit summons on 31.10.2023. He should have to file written statement on or before 30.11.2023. Instant application is filed on 06.02.2023. Application is not within limitation. However, there is no presumption that delay is intentional. Defendant No.1 has filed written statement along with instant application which shows his ready and willingness to participate in the proceeding. Issues are yet to be framed. Rejection of application will amount to non-suit the defendant No.1 without deciding matter on merit. Considering reason mentioned in application and in order to give fair

opportunity to the defendant No.1 to participate in the proceeding effectively to decide matter on merit and in the interest of justice, application deserves to be allowed. Hence, following order :-

ORDER

1. Application is allowed.
2. Delay is condoned to file the written statement on record.
3. Defendant No.1 is permitted to file written statement on record.
4. Costs in cause.

Date :- 06.05.2024

(Sunita P. Paithankar)
2nd Jt. Civil Judge (S.D.),
Tal. Dist. Jalna