



ORDER BELOW EXH.21 IN  
SPECIAL CIVIL SUIT NO.75/2019

CNR No.MHKO050037972019

This is an application for grant of permission to file written statement after the lapse of prescribed period of limitation for filing written statement.

02. Learned counsel for the defendant Nos.1 and 2 submitted that due to COVID situation defendant Nos.1 and 2 could not file written statement within the prescribed period of limitation. Moreover, Hon'ble Apex Court has extended the period of limitation vide its order dt.10.01.2022 passed in the case of In Re: Cognizance for Extension of Limitation in Sua Moto Writ Petition (C) No.3/2020. Hence, it is prayed to grant permission to file written statement to the defendant Nos.1 and 2.

03. Application is resisted by the plaintiff on the ground that contentions made in the application are false. Hence, it is prayed to reject the application.

04. It is significant to note that in the case of In Re: Cognizance for Extension of Limitation in Sua Moto Writ Petition (C) No.3/2020 Hon'ble Apex 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 or

special laws in respect of all judicial or quasi judicial proceedings. It is further directed that the balance period of limitation remaining as on 3.10.2021, if any, shall become available with effect from 1.3.2022.

05. Perusal of record shows that summons were served upon the defendants in November 2021. Therefore, in view of above said directions, period of limitation for filing written statement can be said to have run from dt.1.3.2022. Present application appears to be filed on dt.25.3.2022 along with written statement. Therefore, it cannot be said that there is delay in filing written statement by the defendant Nos.1 and 2. Hence, defendants are entitled to file their written statement. Hence, I pass the following order.

**ORDER**

- 1) Application at Exhibit No.21 is hereby allowed.
- 2) Permission to file the written statement by the defendant Nos.1 and 2 is hereby granted.

Ichalkaranji.  
Date :- 16 . 08 . 2022

**(H. A. Wani)**  
Civil Judge, Sr.Dn., Ichalkaranji