



**Order below Exh. 15 in**  
**Summary Civil Suit No. 151/2023**  
**(CNR No. MHKO050064332023)**  
**Passed on 06-02-2025**

The present is an application filed for condonation of delay in applying for leave to defend the suit.

02. It is the contention of the defendant that, Judgment Summons served on 09-08-2024. She was about to file an application for leave to defend. Her counsel was ill and hospitalized for treatment. But in the meantime, her lawyer died on 10-09-2024. Therefore, she could not possible to apply for leave to defend. There is no deliberate delay. If application is allowed, no harm or loss would be caused to other side on the contrary it would be helpful to adjudicate the matter on merit. Therefore, prayed to allow the application and condone the delay.

03. The present application is resisted by the Learned Counsel for the plaintiff by filing his say vide Exh. 16 on the ground that, contents of application are totally false and incorrect. She has failed to give substantial reason for caused delay. There is no any reasonable cause, therefore, present application is not tenable in the eyes of law. There is deliberate delay. She is trying to prolong the matter. Hence, prayed to reject the application with costs.

04. Heard learned advocates of both parties.

05. After perusal of facts of the matter, this Court firstly taken into consideration the provision contemplated under Order XXXVII Rule 3(7) of the C.P.C. After going through the provision, it is noted that the Court is having power in appropriate cases to condone the delay. The Court is required to see that the summary procedure is not to be frustrated by the defendants. The reasons

for delay and number of days i.e. the span of delay is required to be taken into consideration by the Court. After having given thoughtful consideration to the span of condonation, it appears that there is 50 days delay. The reasons cited is also taken into consideration. Upon having gone through the details, this Court do find that the delay is short.

06. After perusal of record, it seems that, delay is not deliberate and to decide the suit on merit delay is required to be condoned. If application is allowed, no harm or loss would be caused to other side. For the reason recorded, I proceed to pass the order as under.

**ORDER**

1. Application (Exh.15) of delay condonation for applying for leave to defend the suit is allowed subject to costs of **Rs.1,000/- (Rs. One Thousand only)**.
2. Costs be given to the plaintiff.

Date : 06/02/2025

( **B. T. Yengade** )  
Jt. Civil Judge Sr. Dn., Ichalkaranji.