

MHKO090003032020



ORDER BELOW EXH. 52 IN REG. CIVIL SUIT NO. 110/2020

1. Perused the application filed by defendant Nos. 1 and 2 and say of the plaintiff.
2. It is averred in the application that the written statement could not be filed within time because the necessary documents were not made available in the prescribed period. The defendants tried to procure the documents within time, but it could not be possible and therefore, the delay was caused in filing the written statement.
3. In substance, it is contended by the plaintiff that contention in the application is false and frivolous, therefore, he requested to reject the application.
4. After hearing both the sides and considering facts of the suit, I agree that the delay caused in filing the written statement was caused due to unavoidable reasons.
5. When the defendants are not at fault to cause the delay and if the delay is not intentional, it shall be condoned in the exceptional circumstances. Hence, the order in question is liable to be set aside and written statement is to be taken on record, otherwise the suit will not be disposed of on merit. It will unnecessarily create further litigations. Hence, I pass

the following order -

ORDER

Application Exh. 52 is allowed and the written statement filed along with the application is taken on record.

Date : 10.11.2022

(G. V. Deshpande)
Civil Judge Senior Division,
Gadhinglaj