


MHKO110019012023 	<u>Sum. C. S. No. 21/2023</u> <u>Canara Bank</u> <u>Vs.</u> <u>Prakash Devgonda Patil Etc. 2</u>
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ORDER BELOW EXHIBIT NO. 18

The present application is filed by the defendant Nos. 1 and 2 under Order XXXVII Rule 3(5) of the Code of Civil Procedure and have sought leave to defend the suit.

02. It is contended by the defendant Nos. 1 and 2 that, present suit is filed by plaintiff for recovery against defendants. After service of summons for judgment, defendant No. 1 and 2 filed present application within 10 days. The present defendants have no specific transaction with plaintiff bank. Present suit is not maintainable under the provisions of Order 37 of the Code of Civil Procedure. Plaintiff has filed bogus documents on record. No prejudice will be caused to the plaintiff if present application is allowed. Hence, they prayed to allow this application.

03. The plaintiff has filed his say overleaf of the application and strongly resisted to it by contending that, present suit is filed on 22/11/2023. After service of summons, defendants are appeared in the present matter on 08/01/2024. As per the adjournment application filed by defendants at Exh. Nos. 6 and 7, they admitted the transaction between plaintiff bank and defendants. Also, the defendants have not filed their say on the application of plaintiff under Order XII Rule 6 of Code of Civil Procedure at Exh. 09. Plaintiff has filed affidavit at Exh. 11 and after service of summons for judgment, defendants appeared on 16/06/2025. Defendants

have not mentioned sufficient cause in the present application. Hence, prayed to reject the application with costs.

04. The summons was duly served on defendant Nos. 2 and 3 and they appeared alongwith their learned advocate on 08/01/2024. Thereafter, the notice of summons for judgment was served on 09/06/2025 and they appeared on 16/06/2025. Present application is filed on 18/06/2025. Admittedly, the defendants have filed an application for permission to leave to defend within 10 days. Considering the contentions of the application and documents on record, the liability of defendants if any, need to be explained by plaintiff and so also, need to be defended by the defendants accordingly. Hence, defendants ought to be granted leave to defend the suit. Hence, I pass the following order.

ORDER

1. Application (Exhibit No. 18) is allowed.
2. The permission is granted to the defendant No. 1 and 2 to leave to defend the suit.
3. The defendant No. 1 and 2 do file their written statement on or before next date.
4. No order as to costs.

Peth-Vadgaon.
Date : 24/04/2026

(J. N. Bhasme)
Jt. Civil Judge, Junior Division,
Peth-Vadgaon.