

MHKO110025032021



Reg.Civil Suit No.10/2022

(CNR No.MHK0110025032021)

ORDER BELOW EXH.20

1. The present application is made on behalf of defendant No.1 to condone delay caused to file his written statement.
2. It is the contention of defendant that, he received suit summons on 04/02/2022 and he appeared in the suit on 18/02/2022 on the day fixed by the Court. But, as defendant No.1 is age old person, he misplaced the documents provided alongwith suit. In result delay was caused to file his written statement. Hence, he made the present application with the prayer to condone the said delay.
3. Plaintiff filed his say on the leaf of the application submitting that, present application is filed only to cause the delay in the present suit. Plaintiff finally submitted to reject the present application.
4. Perused the application and say thereon heard to both parties.
5. It is pertinent to note here that, as per the submissions of defendant he received suit summons on 04/02/2022 and he appeared in the suit on 18/02/2022. On the other hand, he has to file his written statement on or before 18/05/2022. In order to decide the question involved in the suit finally on the merit it is also necessary to have written statement of each defendants on the record. As it is also settled principle of law that, while condoning the delay Court must have liberal approach. The hardship

caused to the plaintiff for non filing written statement of the defendant No.1 shall be compensated by imposing costs upon him while condoning the delay caused to him for filing his written statement. Hence, considering above discussion I proceed to pass the following order :-

ORDER

1. Application (Exh.20) is allowed.
2. The delay caused for filing the written statement of defendant No.1 is hereby condoned subject to costs of Rs.300/- (Rs.Three Hundred), amount of the cost be paid to the plaintiff.
3. Application (Exh.20) disposed off accordingly.

Date : 20/07/2022

(L.M. Pathan)
Civil Judge Junior Division,
Peth-Vadgaon