

MHKO190004862021



R.C.S.No.137/2021

Sitaram Dattatray Patil etc.2 Vs. Vilas Dattatray Patil etc.6

ORDER PASSED BELOW EXH.23

(Date:12/10/2022)

Perused the application. Heard both counsels at length. This application is moved for granting permission to file written statement. It is averred in the application that the defendants No.1 and 2 could not file written statement within stipulated period of 90 days. Therefore the court passed an order below Exh.1 dated 11/02/2022 and thereby proceeded suit without written statement of defendants No.1 and 2. Defendants No.1 and 2 could not file written statement as there was spread of Covid-19 in the State of Maharashtra.

2. The record shows that suit summons were duly served upon defendants No.1 and 2 on 28/09/2021. Defendants No.1 and 2 ought to have filed written statement on or before 28/12/2021. Present application is moved on 11/02/2022. There is delay of 43 days to file written statement. Considering reason mentioned in application as to spread of Covid-19, I am of the opinion that it will be appropriate to condone the delay of 43 days in view of direction of the Hon'ble Apex Court in Sue Motu writ petition. However the court proceeding was not completely closed during relevant period. Therefore it will be appropriate to impose the costs

of Rs.500/- upon defendants No.1 and 2. In the light of above discussion, I pass upcoming order.

- ORDER -

Application below Exh.23 is hereby allowed subject to costs of Rs.500 payable to the plaintiff on or before next date.

Date:12/10/2022

(S. G. Shinde)
Civil Judge Junior Division,
Radhanagari.