

MHLA070002662021



Order passed below Exh.42 in MACP No. 16/2021
(Shrirang Vs. Yuvraj and ano.)

Perused the application and say filed thereon.

2) The respondent No.2 filed this application for condonation of delay 568 days caused in filing written statement. The court has passed on no written statement against the respondent No.2 on 15-11-2022. It is argued that due to personal difficulty respondent No.2 could not contract with his lawyer and therefore, delay has been caused to file written statement. If the delay is not condoned respondent No.2 will suffer great loss. Hence, prayed to condone delay.

3) Claimant filed say over the leap of application and opposed the application on the ground that with a view to prolong the mater present application is moved. No reasonable grounds has been raised for condonation of delay. Hence, prayed for rejection of the application.

4) Heard both sides. Considering the reason mention in the application and role attributed towards respondent No.2 in the claim petition, it is just and proper to grant an opportunity to the respondent No.2 to putforth his defence. On the other hand, no prejudice would be caused to the claimant, if the application is allowed. In regard with contention of claimant regarding prolonging the matter is concerned, same is compensated by saddling costs on the respondent No.2. Hence, application deserves to be allowed subject to payment of costs of Rs. 2,000/- to the claimant. Hence, I pass following order :

Order

1) Application Exh. 42 is hereby allowed.

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- 2) Delay of 568 caused in filing written statement is hereby condoned subject to payment of costs of Rs. 2,000/- to the claimant within a period of 10 days from the date of this order.

- 3) After depositing costs no written statement order passed below Exh.1 on 15-11-2022 is set aside and written statement be read and recorded.

Date : 17.10.2024

(Yatin B. Game)

Ad-hoc District Judge, Udgir.