



R.C.S NO.76/2023

Atik Vs.. Shain

COMMON ORDER BELOW EXH.20 & 22.

MHLA150004152023

This is suit for recovery of amount of Rs.2,00,000/-. In the present matter defendant is served with suit summons on 12/04/2023 vide bailiff report Exh.06 and she appeared on 02/05/2023. However she failed to filed her written statement within statutory period of limitation. Hence, the defendant has filed the present applications and prayed to condone of delay of 281 days caused for filing written statement and also prayed to take her written statement on record.

2] It is stated in application that, suit summons was served to the defendant on 12/04/2023 and she appeared on 02/05/2023. Due to unavailability of necessary documents and information defendant could not able to filed written statement within statutory period. Hence, the defendant prayed to allow this applications for condonation of delay and to take written statement on record.

3] The plaintiff filed his say on the back leaf of the applications below Exh. 20. It is contented that the reason for delay mentioned by defendant is not proper and it is intentional to prolong the matter. Hence, plaintiff prayed to reject the application with heavy cost.

4] Read the application and say thereon. Heard Learned advocates for both sides. It appears from record that, suit is filed for the recovery of money. It also appears from record that, defendant failed to file written statement within prescribed period of limitation. Subject matter of the suit is money and valuable rights of the parties are involved in it. This application is supported with affidavit. Plaintiff has not filed any counter affidavit on record.



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5] For the conclusive decision of the suit, it is necessary to grant the opportunity to defendant to defend the suit by filing her written statement. The reason stated by the defendant for delay is satisfactory. By granting permission for filing written statement to present defendant will not cause any kind of loss or prejudice to the plaintiff. On the other hand, it will help to the court to decide the suit on merit. So, present application deserves to be allowed. At the same time it is necessary to compensate the plaintiff for unnecessary delay. Hence, I pass following order.

ORDER

1. Applications stands allowed subject to cost of Rs.200/-
2. The present defendant is directed to pay the cost amount to the plaintiff on or before next date.
3. After payment of cost the written statement of defendant shall form part of record.

Date :- 26/04/2024

(M.S. Luniya)
Jt. C.J.J.D. Chakur.



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C E R T I F I C A T E

I affirm that the contents of this P.D.F file order are same word for word as per original order.

Name of Steno	: M.B. Pathan
Court Name	: M.S. Luniya, Jt.C.J.J.D., Chakur.
Order Date	: 26/04/2024
Order signed by presiding officer on	: 26/04/2024
Order uploaded on	: 26/04/2024