



COMMON ORDER BELOW EXH.17 & 19
MHLA150006792022

This is suit for Specific Performance of contract. In the present matter defendant is served with suit summons on 07/12/2022 and he appeared on 19/12/2022. However he failed to filed his written statement within statutory period of limitation. Hence, the defendant has filed the present applications and prayed to condone of delay of 4 months and 17 days caused for filing written statement and setting aside no written statement order passed against him. He also prayed to take his written statement on record.

2] It is stated in application that, suit summons was served to the defendant on 07/12/2022 and he appeared on 19/12/2022. Due to illness of defendant, he was not able to filed written statement within statutory period. Hence, the defendant prayed to allow this applications for con-donation of delay, set a side no written statement order passed against him and to take written statement on record.

3] The plaintiff filed her say on the back leaf of the applications below Exh. 17 and 19. It is contented that the reasons for delay mentioned by defendant is false and imaginary. Defendant has not filed any medical certificate in support of his contention. Hence, plaintiff prayed to reject the application with cost.

4] Read the application and say thereon. Heard Learned advocates for both sides. It appears from record that, suit is filed for the Specific Performance of contract. It also appears from record that, defendant failed to file written statement within proscribed period of limitation. Subject matter of the suit is immovable property and valuable rights of the parties are involved in it. This application is



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supported with affidavit. Plaintiff has not filed any counter affidavit on record.

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. Application 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 :- 03/08/2023

(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.

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| Name of Jr. Clerk | : Abhijit Dipak Sutrave |
| Court Name | : M.S. Luniya, Jt.C.J.J.D., Chakur. |
| Order Date | : 03/08/2023 |
| Order signed by presiding officer on | : 03/08/2023 |
| Order uploaded on | : 03/08/2023 |