

MHLA160006632024



Regular Civil Suit No.02/2024
Hamid Vs. Parwatibai & Ors.

-:: ORDER BELOW EXH.16 ::-

Perused application and say. Heard both sides.

2. Defendant No.2 has preferred application to condone the delay in filing written statement and seeking permission to file written statement contending that, defendant No. 2 appeared through counsel on 25/11/2024 and sought time to file the written statement, on which the Court gave today's date for filing the written statement, the defendant has filed his written statement. But there is delay in filing the written statement of the said defendant. The same is not made deliberately. Therefore, it is prayed that defendant No.2 be allowed to file written statement and delay caused be condoned in the interest of justice.

3. Plaintiff strongly objected the application contending that reasons are not proper.

4. Perused record. Record shows that, defendants appeared on 25/11/2024. However considering the date of appearance of the defendant, he was expected to file written statement within 30 days from the date of service of summons. However, he failed to do so. Therefore considering the reasons and objection raised by the plaintiff, in order to decide the suit on merit, application needs to be allowed. In the interest of justice, delay needs to be condoned and defendant needs to be allowed to file his written statement subject to reasonable costs. Hence, following order.:

-:: **ORDER** ::-

- 1) Application at Exh.16 is allowed.
- 2) Delay is condoned and defendant No.2 is allowed to file his written statement subject to cost of Rs.200/- (Rupees Two Hundred only) to be payable to the other side.

Date : 13/01/2025.

(A. P. Kollam)
Civil Judge Junior Division,
Deoni.