

MHNS130011342025

**Sum.Civ.Suit/3/2025**

Mobin Yusuf Kureshi

Vs.

Mukta Dilip Mohane

ORDER BELOW EXH.10 IN
SUMMARY CIVIL SUIT NO.03/2025

CONTENTION OF THE DEFENDANT-

01] The defendant has moved this application for leave defend the suit. She has contended that she has sufficient evidence to defend the suit. It is necessary to grant an opportunity to the defendant to put her defence.

02] The plaintiff filed say and resisted the application. The plaintiff contended that defendant appeared after 10 days, hence this application is liable to be rejected. If, this application is came to be allowed, it may be allowed subject to 30% of the suit claim or bank security.

ARGUMENTS-

03] Learned advocate for the plaintiff argued that the defendant has no good ground for defence. The suit is based on agreement of hand loan. No ground of defence is raised in leave to defence. Hence, the application may be rejected.

04] The learned advocate for the defendant argued that the defendant has filed written statement along with leave to defend. The defendant has raised ground that she has paid entire hand loan amount to the plaintiff. Hence, he may be

permitted to defend the suit.

DISCUSSION-

05] Summons report shows that summons was served to defendant on 10/11/2025. She appeared in this suit on 27/11/2025. It appears that date was fixed on 27/11/2025, therefore, she appeared on the said date. As per Order 37, Rule 3(5) of the Code of Civil Procedure, 1908, the defendant may apply for leave to defend within 10 days from the service of summons for Judgment. The plaintiff has not served the defendant with summons for Judgment. Therefore, the question of limitation of 10 days does not arise in this suit.

06] The defendant has not pleaded grounds of defences in his application for leave to defend. However, he has filed written statement along with the said application. He has contended that he has repaid the loan amount to the plaintiff in presence of witnesses. If said fact is proved, it will give rise to a good defence to the suit. The written statement and this application is supported by affidavit of the defendant. Hence, the defendant is entitled to defend the suit. Hence, following order is passed-

ORDER

Leave is granted to defend the suit.

Sd/-

(A. J. Patil)

Civil Judge, (Jr. Dn.)

Pimpalgaon (B).

Dated : 18/12/2025

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