

Reg.Civil suit No.61/2021

Order below Exh 27

Defendant no. 2 has filed present application to condone the delay for filing his written-statement and say. The contention of the defendant is that, he has failed to file written-statement and say within limitation. Therefore, he prayed to condone the delay and his written-statement and say be taken on record.

02] The plaintiff has filed his say below application and raised his objection on the ground that, defendant has filed false application. The defendant not mentioned how many days delay is caused for filing his written-statement and say. Therefore, the plaintiff prayed for rejection of application.

03] Perused application, say and record. Heard Ld.advocates for parties.

04] The application reveals that, defendant has not mentioned how many days he want to condone the delay. The defendant accompanied his written-statement and say along with present application. Record reveals that, on 13/08/2021 summons is served to the defendant no. 2 and he appeared before Court on 27/08/2021. On 7/06/2022 defendant has filed present application. The country is suffering from pendamic situation since March-2020. To decide plaintiff's claim on merit, written-statement of defendant need to be taken on record. The liberal approach against defendant no.1 need to be opt and costs may be imposed. Thus, on above grounds, application of defendant is liable to be allowed. Hence following order :-

ORDER

1. The application is allowed.
2. The defendant shall give the costs of Rs.250/- (Rupees Five Hundred only) to the plaintiff on or before next date.

Place : Kalwan.
Date : 21/6/2022.

(D.M.Gitte)
Jt. Civil Judge, Jr.Divn.,
Kalwan.