

Order below Exh.21 in Spl.C.S. No.347/2023
(Prabhakar Vs. Kantabai & 1)

This is an application filed by defendant Nos.1 and 2 for condonation of delay in filing written statement. Perused the application. Defendant Nos.1 and 2 have sought to condone delay of 1 year 5 months and 26 days in filing written statement. They submit that, they received only summons on 13.03.2020 and they appeared in the court. They applied for the copies of plaint and documents. In the meantime, the functioning of the court was stopped between 01.04.2020 to 21.01.2022 on account of Corona Pandemic. The defendants were infected with the corona virus. Therefore, they could not inform their advocate. The suit was transferred to other courts at Nashik. On 08.06.2023 this suit is transferred to Sinnar court. These defendants were not aware about the transfer of suit. After receipt of summons dated 30.01.2024 they came to know about this suit. Therefore, they are seeking condonation of delay of 1 year 5 months and 26 days, as well as 10 months 21 days.

2. The plaintiffs resisted the application by filing say and contended that, the reasons cited in the application are false. Inspte of receipt of notice on court motion, these defendants did not appear before the court. The defendants have not filed documents regarding their illness. There is delay of 3 years and 3 months. Therefore, the application may be rejected.

3. Both the parties are absent when the matter was called for argument. Perused record of the case. Initially the suit was registered in the court of C.J.S.D. Nashik. In the month of June, 2023 it is transferred to this court. Already limitation for filing written statement was expired before transfer of this suit to this court. After

receipt of notice issued on court motion the defendants did not file written statement within limitation. The suit pertains to the compensation. Considering the nature of dispute and the reasons cited in the application, it would be proper to allow the defendants to place their pleadings on record. However, considering the delay the plaintiffs are entitled for the costs. Hence, I pass following order

ORDER

1. The application is allowed subject to costs of Rs.200/- (Rupees Two hundred) to the plaintiffs on or before next date.

2. On payment of costs written statement and say filed by defendant Nos.1 and 2 be taken on record.

Date : 09.10.2024.

**Sd/-xxx
(R. S. Kanade)
Civil Judge S.D., Sinnar.**