



ORDER BELOW EXH. 67.
(Passed On 10/07/2024)

This is an application filed by counter defendant no.1 for permission to file written statement and say after condoning delay to counter claim of the counter plaintiff.

2. According to counter defendant no.1 the counter plaintiff has filed counter claim against him. In R.C.S. No. 425/2017 the application had filed by third party below Exh. 33. The said application decide on 21/10/2022. The application for amendment had also filed at Exh. 50 & 54 on 10/12/2018. Those application yet to be decided. Record shows that, meanwhile by making correction the date of 06/04/2018 the counter claim filed on record. As the application below Exh. 33 was pending the applicant could not file say to counter claim. Therefore, the original plaintiff i.e. counter defendant no. 1 could not filed written statement and he has caused delay of 4 years 11 months 23 days. Out of the same the delay from 22/03/2020 to till March 2022 caused due to pandemic situation arisen out of Covid-19. Therefore, delay caused to the applicant is neither intentionally or deliberately. Hence, by filing this application the applicant prayed to allow the application and the delay caused to him for filing say and written statement to counter claim in R.C.S. no. 425/2017 of 4 years 11 months 23 days by condoned. Hence, this application.

3. Despite giving ample opportunity the opponent has not filed say. Hence, the application proceed without say.

4. Perused the application. Heard the Ld. Advocate for applicant at length. I have also considered the submission advanced by the Ld. Advocate for applicant in the light of contents of the application

mentioned for causing delay. It appears that, the application at Exh.33 decided on 21/10/2022. Furthermore, the period from 22/03/2020 to March 2022 was of pandemic situation arisen out of Covid-19. The suit is in respect of immovable property. The valuable rights of parties can be involved therein. It is also fact that, the opponent has not opposed this application. Therefore, considering these things and in the interest of justice I proceed to pass following order.

ORDER

1. Application is allowed
2. The delay caused to counter defendant no.1 of 4 years, 11 months, 23 days for filling written statement and say is hereby condoned.
3. No order as to cost.

Daund.
Dt. 10/07/2024.

(Sharad B. Kaldate)
2nd Jt. Civil Judge (Jr.Dn.),
Daund.

CERTIFICATE

I affirm that the contents of this PD.F file, Order are same, word to word, as per the original order.

Name of the Steno	:- Deepak A. Merukar, Grade-3
Court / Panel	:- (Sharad B. Kaldate) 2 nd Jt. C.J.J.D. & Judicial Magistrate First Class (Court No. 2) Daund.
Order / Judgment date	:- 10/07/2024
Order / Judgment singed by	:- 10/07/2024
the Presiding Officer on	
Order/ Judgment uploaded on :-	11/07/2024