

ORDER BELOW EXH. 125 IN Spl.C.S NO. 460/2018

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The present application has been filed by Defendant Nos.2 for condonation of delay in filing written statement to the counter claim filed by defendant no.4/1. It is the contention of applicant that, there was delay in filing written statement, as defendant no.2 due to his health issue he had an eye operation in month of June 2025 and was having issue with the visibility and defendant wife is suffering from cancer from 2023 and due to her health issue could not available in month of July to September to finalizes the Reply/Written Statement to the counter claim. Hence, he prayed to take on record his written statement by condoning the delay for the reasons mentioned in the application.

2. The plaintiff filed his say and strongly objected the said application.

3. In view of the above and for just decision of the case, it is necessary that it be decided on merits and for the same purpose, it would be just and proper to bring on record, the say of the said defendant. A procedural prescription is to facilitate the process of justice and hence, in light of the above, opportunity should be given to present defendant. It appears that there is delay of 101 days. Allowing the present application could not cause much prejudice to be defendant no.4/1 but however the said application can be allowed by imposing costs on the present applicant. As a result, I proceed to pass the following order-

ORDER

1. Application at Exh.125 is allowed against the said defendant No.2 subject to cost of Rs. 1,000/- to be paid to the plaintiff.

2. After payment of said cost the written statement of defendant No. 2 to the counter claim of defendant no.4/1 be taken on record.

Date : 16/10/2025

(Uma Y. Borade-Kapoor)
4th Jt. Civil Judge Senior Division, Panvel.