

MHRG060010232017



Order below Exh. 78 in R.C.S no.108 of 2017

The present application is filed by plaintiff for extension of time of making compliance regarding order passed for compliance of amendment in plaint and filing amended plaint on record.

2. Perused the application and say filed by defendant. Heard both Ld. Advocates at length. Defendant opposed application.

3. From perusal of the application it is clear that plaintiff have sought extension of time for the compliance. Even though, time frame was given in that respective order for making compliance, having regard to Section 148 r/w. 151 of The Code of Civil Procedure, 1908 (hereinafter called as CPC), I am empowered to enlarge time. Considering Section 148 of CPC, the further enlargement is allowed in a Code for the period of 30 days. However, having regard to the law laid down by Hon'ble Supreme Court in the case of Salem Advocate Bar Association, Tamilnadu Vs. Union of India, Writ Petition (Civil) 496 of 2002, Hon'ble Supreme Court, the time period mentioned in Section 148 is not mandatory. Hence, the end result of this discussion is Court can enlarge time for making compliance in the interest of justice. Hence, I proceed to pass following order :-

ORDER

1. Application is hereby allowed and time for filing amended plaint is extended till today.

Pen
Date: 15.12.2022

(Pritesh Deshpande)
Jt. Civil Judge (J.D.) Pen.