

ORDER BELOW EX.42 IN R.C.S.44/2013

Konkan Krushi Falodyan Vikas Sanstha ... Plaintiff

Vs.

Chindhu Dhule & Ors ... Defendants

Perused application. This is an application filed on behalf of defendant no.30 for condoning the delay caused for filling W.S. It is submission of defendant that due to his duty he could not attend the court and collect the relevant documents to file W.S. in time and delay of 13 months was caused. Now by this application he prayed to condon delay. It is his submission that if the W. S. is not taken on record irreparable loss was caused to him. He has filed affidavit in support of his application below Exh.43.

2 Plaintiff has given say to this application and contended that there is no document filed in support of application. In such situation he prayed to impose heavy cost on defendant.

3 Perused the affidavit. Considering the reason mentioned in the application I am of the opinion that to avoid multiplicity of proceeding and in the interest of natural justice the application be allowed. But due to act of defendant delay of 13 months was caused for the proceeding. Therefore, defendant is liable for cost. Hence the order -

ORDER

- 1) Application is allowed with cost of Rs.500/-.
- 2) After paying cost defendant no.30 file their Written Statement.

Karjat.
Date : 18/06/2016

(S.B.Yadav)
Jt.Civil Judge Jr.Divn., Panvel.

