



**Regular Civil Suit No.37/2021**

**Smt. Vatsala alias Deepali Deepak Bundhate**

**Vs.**

**Smt. Champa Yoga Narsihan & Ors.**

**ORDER BELOW EXHIBIT 24**

This is an application filed by defendant No.1 for condonation of delay for filing application under Order 9 Rule 7 of C.P.C.

02. Defendant in the said application has stated that, suit summons served to her old address. Defendant No.1 is married and after marriage, she was residing at Bangalore. Therefore, suit summons were returned unserved. Hence, my learned predecessor has passed order below Exh.1 dated 23/11/2021 and suit proceeded ex-parte against defendant No.1. When defendant No.1 has got information about the said suit, she has appeared. Hence, defendant has prayed to allow the application by condoning the delay.

03. The learned advocate for plaintiff has filed his say at Exh.28 and submitted that, contents of the application are not true and correct. The defendant has served the suit summons but she has not accepted the suit summons. She has full knowledge of court work. There is delay of 1 year to file this application. Hence, prayed to reject the application. If the application is allowed, the costs of Rs.5,000/- be imposed on defendant.

04. Perused the application and say. Perused the record of the case. For the purpose of deciding the real controversy between parties, it is necessary to have the written statement of defendant on record. Perused the roznama. It appears that, there is delay to file the written statement of defendant. Considering reasons as stated in the application, the application deserves to be allowed. No prejudice will be caused to the plaintiff, if the application is allowed. Negligence on part of the defendant can be compensated in terms of money. Hence, I proceed to pass following order :

**ORDER**

- 1) The application is allowed. The delay is condoned subject to costs of Rs.500/- (Rupees Five Hundred only) on or before next date.
  
- 2) Written Statement of defendant No.1 will be read and recorded on payment of costs to be paid to the plaintiff on or before next date.

Place – Karjat  
Date - 14/10/2024

**(Smt. A. S. Wadkar)**  
Civil Judge, J.D., Karjat,  
District - Raigad