



CNR-MHRG070005172016

:: ORDER PASSED BELOW EXH.78 IN R.C.S.NO.70/2016 ::
(Bharti Bharat Dabhane Vs. Vijay Zipru Badekar & Ors.)

This is an application filed by defendant nos.3/1 to 3/4 for condonation of delay to file written statement on record. It is averred that, due to covid-19 lock-down and due to unavailability of some document, they could not be filed their written statement within statutory period. Therefore, they prayed for to condone the delay for filing written statement and to accept his written statement on record.

2. The plaintiff has filed say on Exh.80 and opposed the application contending that, reasons mentioned in the application are vague and false, defendants have not given any substantial reason. Hence, he prayed for rejection of this application.

3. Heard both the sides. Perused the record. It appears that, reason mentioned in the application is correct or not it has to be evaluated after taking his pleading on record. It appears that, statutory period for filing their Written Statement was lapsed on 14.09.2019. It means that, after deduction of pandemic covid-19 period, there is delay of 04 months and 20 days. It also appears that, no fair opportunity of being heard is given to them. It is principle of natural justice that, the person should not be condemned unheard and fair opportunity of being

heard should be given to the aggrieved person. No doubt, some inconvenience caused to the plaintiff, but it can be compensated in terms of money. If this application is rejected, then prejudice shall be caused to all the defendant. Hence, only because of delay, his right to be sued cannot be curtailed. Hence, I proceed to pass the following order.

:: ORDER ::

- 1) The application Exh.78 is allowed subject to the cost of Rs.700/- (Rupees Seven Hundred only) .
- 2) The delay to file Written Statement is condoned.
- 3) The Written Statement of defendant nos.3/1 to 3/4 will be read and recorded on payment of cost of Rs.700/-(Rupees Seven Hundred only) to the plaintiff on or before next date.

Date : 25/07/2022.

(Sau. Sujata R. Shinde)
Civil Judge Junior Division,
Karjat, Dist-Raigad.