

MHRG110009852018



Order below Ex. 15 in R.C.S. No.148/2018

1. By this application, defendant no.3 has sought for setting aside No Written statement order dtd.04/06/2019. It is averred that, suit summons are duly served on defendant no.3 and he was appeared before court on 18/02/2019. it is further averred that, due to the Covid-19 pandemic and old age of defendant no.3 he was unable to contact his advocate and therefore, delay has been caused to file the Written Statement.

2. Plaintiff resisted the application by filing say on back leaf of the application, contending that ground mentioned for inordinate delay of 03 years and 10 months is not true and the delay is deliberate. Hence, prayed to reject the application.

3. Heard the both sides. Perused the relevant record.

4. Considered the facts and circumstances of the case in addition to the ground for delay. The application is supported by the affidavit defendant. Admittedly, no Written Statement order is passed. Though there is inordinate delay in filling Written Statement, it does not appear to be deliberate and plaintiff can be saddled with costs. For fair trial and in the interest of justice application needs to be granted on costs. Hence, the order.-

-: O R D E R :-

- 1 The application is allowed.
2. Delay of 03 years and 10 months caused to file the Written Statement is condoned subject to costs of Rs.2000/-. Costs shall be paid to plaintiff on or before next date.

Date: 19/04/2023.

(M. S. Pathare)
3rd joint Civil Judge J.D, Mangaon.