

ORDER BELOW EXH.49 IN REGULAR CIVIL SUIT NO.88/2019.
(CNR – MHRG14-000645-2019)

1. This application is filed by defendant No. 1 for delay condonation caused for filing written statement and for permission to file his written statement.

2. It is contention of defendant No. 1 that on 25/07/2019 he has been served with suit summons. He could not collect the necessary documents within time and prepare written statement. Hence, he could not file his say and written statement within stipulated period. Therefore, defendant No. 1 prayed for condone the delay of 470 days caused to file his written statement. It is further contended that, defendant No. 1 has not caused delay to file his written statement with any intention. If, defendant No. 1 is not allowed to file written statement, he will suffer irreparable loss. Whereas, if defendant No. 1 is allowed to file his written statement, it will help to decide the matter on merit. Hence, considering these reasons and in the interest of justice to hear both parties on merits, it is necessary that delay of 470 days be condoned.

3. Plaintiff has filed his say on Exh.35 & objected the application on ground that, reasons mentioned in the application are not proper. Therefore, plaintiff prayed for rejection of the application.

4. Perused application, say and the record of case. Heard both sides.

5. On perusal of the application, it reveals that, reasons stated in the application, delay for filing the written statement within time is to be proper and justifiable. Therefore, in the interest of justice & for deciding real dispute between the parties, delay for filing written

statement be condoned and be permitted to file his written statement.
In the result, I pass following order.

ORDER

Application is allowed as prayed.

Place: Uran.
Date: 27/10/2021.

(Nilesh M. Wali)
Civil Judge, Jr. Divn., Uran.