

MHRG140006452019



R.C.S. No. 88/2019

Order below Exh. 70

This is an application for condonation of delay occurred for filing written statement on behalf of the defendant no. 3.

2. The defendant no. 3 is seeking to condone delay occurred for filing written statement on the ground that she was served with summons on 01.02.2021. However, due to outbreak of pandemic Covid-19 and unavailability of documents, written statement was not filed.

3. Application came to be opposed on the ground that the reason mentioned in the application is not maintainable. There are no rituals for 2-3 years for a widow after death of her husband. Such rituals lasts for few months. Hence, application needs to be rejected with costs.

4. Heard both sides. Perused the record. It is seen that there is delay of more than 961 days in filing written statement. Considering above discussion and in the interest of justice, opportunity needs to be given to the defendant no. 3 for just decision of the case on merits. However, delay occurred needs to be compensated. Hence, costs of Rs. 3,000/- will suffice the purpose. Consequently, I pass following order.

ORDER

1. Application is allowed.

2. Delay occurred in filing written statement on behalf of the defendant no. 3 is condoned subject to costs of Rs. 3,000/-.

Uran,
Date : 06.11.2023

(Vikas D. Bade)
Civil Judge, J.D., Uran