

: ORDER BELOW EXH.17 IN M.A.C.P. NO.118/2019 :

- 1) This is an application filed by opponent to condone the delay caused to file written statement and for setting aside No W.S. Order and allow them to file their written statement.
- 2) According to opponent, they appeared in this matter, but couldn't receive necessary information from the office to file written statement and therefore the delay has been caused to file written statement, which they prayed to condone.
- 3) The petitioners have filed their reply and have strongly opposed the application contending that this opponent has appeared on 26.11.2019 and there is 1 year 9 months delay. The reasons mentioned for the delay, are not proper and legal. Hence, submitted to reject the application.
- 4) Heard Ld. Advocate Shri. R. P. Oka for the opponent and Ld. Advocate Shri. S. S. Mehta for the petitioners.
- 5) According to the opponent, due to the office procedure, the delay has been caused. Though they have appeared in this matter, the required information was not received to them and therefore, they were not in a position to file written statement within time.
- 6) On the other hand, according to the petitioners, the reasons mentioned are not legal and proper and there is huge delay caused to file written statement.

7) As it appears that the opponent is Maharashtra State Road Transport Corporation and due to the office procedure, the Advocate has not received the required information to file written statement. It shows that the delay is not intentional or deliberate and it has been caused due to the genuine reason. Besides this, the opponent should get an opportunity to contest the matter by filing written statement, so that it will be helpful to decide the dispute between the parties on merit. So, considering the same, I find the application deserves to be allowed in the interest of justice. At the same time, for the delay, the petitioners can be compensated by awarding costs. Hence, proceed to pass the following order :-

: O R D E R :

- 1) The application at Exh.17 is allowed, on payment of costs of Rs.2,000/- (Rs. Two thousand only), payable to the petitioners, within 15 days from the date of this order.
- 2) After compliance of the order of costs, the written statement filed by the opponent, be taken on record.

(Dictated and pronounced in open Court)

Mangaon.
Date : 12.11.2021

(Priya P. Bankar)
Ex-Officio Member, M.A.C.T.,
Mangaon-Raigad