

Order below Exh.36 in R.C.S.104/2023
(IDBI Bank V/s. Nawaj Shaikh)
(CNR NO.MHSN02-000734-2023)

This is an application filed by defendant for setting aside no additional written statement order passed below Exh.33.

2. According to defendant, the application made by plaintiff for amendment in pleadings was allowed. Therefore, the matter was placed for filing additional written statement by defendant. However, defendant is a layman. Currently he is working on daily wages at Ratnagiri. Therefore, it was not possible for him to communicate his Advocate. Therefore, it was not possible to furnish additional written statement within prescribed period. Thus, defendant has prayed for setting aside the no additional written statement order passed below Exh.33.

3. Plaintiff filed its reply at Exh.37. According to it, the sufficient opportunity was provided to defendant for furnishing additional written statement. However, the defendant is trying to prolong the matter. Therefore, plaintiff prayed for rejection of application and in alternative, grant of higher amount of cost in case application is to be allowed.

4. Perused the record. Heard both sides.

5. Upon perusal of record it occurs that the application made by plaintiff for amendment in pleadings was allowed on 07.10.2023. However, since the defendant did not furnish his additional written statement, the order in dispute was passed on 21.11.2024. The defendant has not filed any documents in support of his submissions. However, in the interest of justice as well as to maintain fairness in trial, it will be proper to set aside the order in dispute and take on record the additional written statement of defendant. At the same time, looking at the reason mentioned in

application, it will be proper to pass setting aside order in dispute without awarding any cost to plaintiff. Accordingly, I pass following order.

ORDER

1. Application at Exh.36 is allowed.
2. The additional written statement of defendant be taken on record and be exhibited accordingly.

Date:-28.02.2025
Sangli.

(Onkar S. Shastri)
11th Jt. Civil Judge Jr. Dn., Sangli.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer:	Shri. R. B. Samalewale, Stenographer
Court Name :	Shri. O. S. Shastri, 11 th J.M.F.C., Sangli.
Date of order/judgment :	28.02.2025
Signed by P.O.on:	28.02.2025
Uploaded on:	28.02.2025