

MHSN050014902023



ORDER BELOW EXH.11 IN R. C. S. NO. 298/2023
(State Bank Of India Vs. Chandrakant Patil)

This application is made on behalf of the defendant for setting aside 'no written statement' order. The defendant has stated the ground for not filing written statement within prescribed time as he could not gather requisite documents within the period. The plaintiff has opposed the application by filing say below it. But it doesn't appears that the plaintiff has strong objection.

2. Heard advocate Shri. P. V. Bhoite for the defendant. Advocate for the plaintiff is absent for argument. Hence, this application taken for adjudication without argument of plaintiff.

3. Perused the record of the case. It appears that, the plaintiff is State Bank of India having the business of banking. The suit is filed for recovery of due arrears of loan of the deceased father of the defendant. Advocate for the defendant has argued that defendant has raised strong objection on the point of facts and law. Therefore, the defendant should be given an opportunity of being heard by allowing him to file written statement. Considering, liability in issue to pay the loan of deceased father on the defendant, I find that the issue would not be adjudicated on merit without written statement of the defendant. However, at the same time the inconvenience caused to the plaintiff by the act of the defendant should not be ignored. Such inconvenience can be compensated by

imposing reasonable costs on the defendant considering the length of time of delay. In view of this, the application deserves to be allowed. Hence, I proceed to pass following order.

ORDER

1. The application is allowed.
2. 'No written statement' order passed against the defendant is hereby set aside subject to payment of costs of Rs. 1000/- to be paid to the plaintiff on or before next date.

Islampur.
Date 05.07.2025.

(Abhijit N. Gaikwad)
3rd Jt.Civil Judge Junior Division
Islampur.