

IA No. 01/2019
(Sunil Vs. Dattatray)

ORDER BELOW EXH.14 IN R. C. S. NO. 252/2018
CNR No MHSO07-000317 -2018
(Passed on 12-12-2019)

Defendant has filed present application for condonation of delay for filing his written statement. It is his submission that, defendant was busy and could not collect the relevant documents within stipulated time and delay caused for filing his written statement. It is his contention that, delay caused is not intentional and he is ready to contest the suit by filing his written statement. The present suit is filed for recovery of money against the defendants and to contest the suit he prayed to allow the application.

2] Plaintiff by filing his say below Exh.14 has strongly opposed to present application and submitted that, reasons stated in application is not just and proper. Defendant has not mentioned how much delay is caused for filing the present application. Therefore, he prayed to reject the application by imposing cost of Rs.5000/-.

3] Considering the rival contention of both the sides. So also I have gone through record of case in hand from it appears that, summons is duly served to the defendant on 29.03.2019 by affixing the copy of summons on conspicuous part of his house and he has appeared before the Court on 06.06.2019 and he has moved the present application on 26.08.2019. The reason stated in the application is not just and proper. But the original suit is filed for recovery of money against the defendant and considering the controversy between the parties, so also to decide fact in issues on merit opportunity is required to be given to the defendant. Therefore, by following principal of natural justice I proceed to pass following order -

ORDER

- 1] Application is allowed subject to costs of Rs.500/- to pay other side.
- 2] Defendant is permitted to file his written statement in the present suit.

Date:- 12/12/2019

(*A. P. Karad*)
2nd Jt. Jt. Civil Judge, J.D.
Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

a	Name of the Stenographer	:	Shri. M.R. Konda
b	Court	:	Jt. C.J.J.D.& J.M.F.C., Pandharpur.
c	Date of Judgment	:	12.12.2019.
d	Judgment uploaded on	:	24.12.2019.

