

MHSO070004022018



Order below Exh. 37 in RCS No. 319/2018

1. The Defendant No.1 has filed application to condone the delay caused while filing written statement on the record. Say of Plaintiff was called. Till today Plaintiff has not filed say. Application pending since 31/07/2023. Hence application is proceeded without say of the plaintiff.
2. Defendant No. 1 pleaded that, there is delay of 275 days in filing written statement. He is working as driver in State Transport Department. In the year 2022 due to state wide strike organized by employee of State Transport, he was unable to met his advocate and instruct to file written statement. Thus, delay caused is not deliberate and he prayed to condone this delay and record his written statement.
3. Perused the record. Defendant No.1 appeared on 12/04/2022. He has been served by bailiff report vide Exh. 33 through Defendant No. 2 on 08/04/2022. He has filed present application on 31/07/2023. No adverse order is passed against him. Considering the statutory limit of 30 days and extended 90 days to file written statement on the record from the service of summons, the period of limitation for Defendant No. 1 expires on 07/07/2022. He has filed written statement after the period of 01 year. At present the suit is for taking steps by Plaintiff. Thus, trial has not commence.

The Defendant No. 1 is contesting the suit. If he is permitted to contest the suit, multiple proceedings in the future will be avoided. However he has caused huge delay of more than 01 year. Hence costs is required to be imposed to compensate the delay caused. For the reasons mentioned above following order is passed.

ORDER

1. Application (Exh.37) is allowed subject to payment of costs of Rs. 500/- to the Plaintiff on or before next date.

Pandharpur.
Date: 27.06.2024

(S. S. Raul)
2nd Jt. Civil Judge Junior Division,
Pandharpur.

CERTIFICATE

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

Name of the Stenographer	-	A.B. Sandrok
Court	-	2 nd Jt. CJJD & JMFC, Pandharpur.
Date of Judgment/Order	-	27/06/2024
Judgment/Order signed by the Presiding Officer on	-	27/06/2024
Judgment/Order uploaded on	-	27/06/2024