

CNR NO.MHST-0500 0220 2021

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD

ORDER BELOW EXH.24

IN

Spl. C.S.No.104/2021

Bank of India	...Plaintiff.
<i>Versus</i>	
1. Mr. Ankush Ashruba Nahirale & Ors.	...Defendants.

Advocate P. P. Kamble for the plaintiff.

Advocate Shri. P. B. Patil for the defendant Nos.2A and 2B.

Coram : S. B. Todkar,

C.J.S.D. Karad.

Date : 06/03/2026

ORAL ORDER :

This is an application filed by the authorized person of the defendant Nos.2A and 2B for delay condonation and for permission to take their written statement on record.

2. Perused the application and say. Heard both the side.

3. As per the contents of present application, defendant No.2 is co-operative sugar factory. Due to the season of sugar falling the authorized officers and representatives of factory were busy in work. The plaintiff has filed more than 700 suits. The loan transactions are fraudulent. It required to collect documents. Plaintiff has not filed original documents alongwith the suit therefore, for the verification and inspection of documents time required. Meanwhile Corona was sprayed all over. Therefore, they could not meet their advocate and to file written statement within stipulate period in Court, hence delay caused for filing their written statement on record. Delay is not caused intentionally. Now they are ready and willing to file their written statement on record which is annexed to the present application.

Hence, the application.

4. It appears from record that plaintiff has filed suit against the defendants for recovery of amount on the grounds specifically mentioned in the plaint. As per bailiff reports below Exh.19 and 20 writ of summons served upon defendant Nos.2A and 2B on 29/01/2026. As per Order VIII Rule 1 of Code of Civil Procedure, 1908 written statement required to be filed within 30 days from the date of service of writ of summons. In the present matter in hand, the defendant Nos.2A and 2B required to be filed their written statement on or before 01/03/2026 from the date of service of writ of summons upon them. They have filed present application on 06/03/2026. It means that after the lapse of 5 days they have filed present application. On oath authorized person of the defendant Nos.2A and 2B stated the reasons for causing the delay. The authorized person of defendant Nos.2A and 2B on oath has given sufficient reason in the present application for not filing written statement within stipulate period on record. He has already annexed written statement with the present application. Considering the nature of suit, allegations made by the plaintiff bank against the defendants it is necessary to give an opportunity to the defendant Nos.2A and 2B to raise their defense. Moreover, as per the principle of natural justice and for the just decision of the suit on merit it is necessary to heard the opposite side. If the present application is allowed it will help the Court to decide the suit on merit. If present application is rejected irreparable loss can be caused to the defendants which cannot be compensated in terms of money. As the authorized person of defendant Nos.2A and 2B has made out case for relief claimed in the present application therefore, it deserves to be allowed. Hence, I

proceed to pass the following order.

ORDER

1. Application Exh.24 is allowed.
2. Delay caused for filing present application is here by condoned and bench of this Court is here by directed to take the written statement of the defendant Nos.2A and 2B on record.

Date :06/03/2026.

[S. B. Todkar]
Civil Judge, S.D. Karad.