

Order Below Exh. 17 in Spl. C.S. NO. 248/18
Bank of India Branch Karad
Vs.
Yashwantrao Mohite Krishna co-operative sugar factory

1. The present No W.S. set aside application is filed by def. no. 2A & 2B on the ground that the plaintiff bank deliberately presented the plaint in english language and therefore, the present defendants were required to move application for getting translated copy of the plaint in Marathi language. Finally, said application at Exh. 15 came to be allowed on 11/07/19. Therefore, as per defendants they were at no fault and therefore, the no W.S. order needs to be set aside.
2. plaintiff objected application on the ground that content of the application are false. On 22/11/18 suit summons duly served upon the defendants and therefore they had sufficient time to file W.S. There is delay of 97 days. Accordingly, plaintiff prayed for rejection of application.
3. Perused the application and say. Perused the record. Heard both side. From perusal of record it becomes clear that on 28/11/18 vide Exh. 7 summons duly served upon def. no. 2A & 2B. However, thereafter on 29/11/18 the present defendants appeared in the matter. Despite their appearance on 29/11/18 they moved the application for getting translated copy of the plaint in Marathi language on 8/2/19. Therefore, even def. 2A & 2B were also at fault in delayed moving the application for getting translated copy of the plaint in Marathi language. Therefore, considering this peculiar circumstance of the case and further considering that matter needs to be decided on merit after giving full opportunity to both sides I think it justifiable to permit def. 2A & 2B to file their W.S. subject to cost. Hence, the order

Order

1. Def. no. 2A & 2B are permitted to file W.S. by condoning delay subject to deposit of cost of Rs. 200/- in the court to the credit of Government.
2. The cost of present application shall be borne by present defendants.

Date – 31/07/2019

Place – Karad

(A. P. Kulkarni)
3rd Jt. CJSD, Karad