

Order Below Exh. No.19 in Spl. C.S. NO.268/2018

Bank of India Branch Karad

Vs.

Vijay Rajaram Patil & Ors.

1. The present application is filed defendant no. 2 for setting aside “no W.S.” order. As per present defendant, the delay in filing W.S. was caused due to deliberate conduct of the plaintiff bank which filed plaint in English language. Similarly, as per defendant no. 2, there are about 700 suits filed by present plaintiff bank against present defendants and therefore it took time to collect necessary information and documents for filing the written statement. Accordingly, defendants prayed for allowing the application.

2. The plaintiff Bank objected the application by filing say at exhibit 22 on the ground that, contents of the application are false. Summons served on 21/01/2019. The defendants had sufficient time to file W.S. Accordingly, plaintiff prayed for rejection of application. In alternative plaintiff prayed for cost if the application is allowed.

3. Perused application and say. Perused the record. Heard. Record shows that, on 21/01/2019 summons duly served upon defendant No.2A and 2B. It is to be noted that thereafter, on 25-1-19 the present defendant filed application directing the plaintiff to file translated copy of plaint in Marathi Language. The said application is allowed on today itself. However, considering the delay and further considering the peculiar circumstance I think it justifiable to allow the application on some nominal cost to the plaintiff. Hence, the following order:-

Order

1. Defendant no. 2A & 2B are permitted to file W.S. by condoning delay subject to payment of cost of Rs.100/- to the plaintiff.
2. The cost of present application shall be borne by present defendant.

Date :- 07/11/2019

Place :- Karad

(A.P. Kulkarni)

3rd Jt. Civil Judge Sr. Div., Karad