

Order Below Exh. No.21 in Spl. C.S. NO. 451/2018

Bank of India Branch Karad

Vs.

Yashwantrao Mohite Krishna co-operative sugar factory

1. The present application is filed defendant no. 2A & 2B for setting aside “no W.S.” order. As per present defendants, 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 Exh. 23 on the ground that, contents of the application are false. Summons served on 01/02/2019. 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 01/02/2019 summons duly served upon defendant No.2A and 2B. They appeared on 23/03/2019. As far as record of the case is concerned, there is no application of the defendant no. 2 directing the plaintiff to file translated copy of the plaint. Therefore, the other grounds mentioned in the application are not justifiable considering the delay caused. Still for deciding the matter on merit and to avoid multiplicity, it would be justifiable to set aside the no W.S. order against Def.no. 2 that is against def. no. 2A and 2B subject to cost the plaintiff. Hence, following

order :-

Order

1. Defendant no. 2A & 2B are permitted to file W.S. by condoning delay subject to payment of cost of Rs. 300/- to the plaintiff bank.
2. The cost of present application shall be borne by present defendants.

Date :- 20/08/2019

Place :- Karad

(A.P. Kulkarni)

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