

ORDER BELOW EXH. 16 IN Spl.C.S. NO. 102/2019

01. The defendant no. 2A, 2B have filed this application for setting aside no written statement order and permitting the defendant nos. 1 and 2 to file the written statement.

02. The contents of the application can be stated as under :

The suit has been instituted by the Bank of India, branch- Karad for recovery of amount. The defendant no. 2 came to be served but failed to file the written statement, therefore, no written statement order passed against the defendant no. 2 who is represented by the Chairman and Managing Director. The defendant no. 2 is now ready to file the written statement. So no written statement order required to be set aside. The defendant no. 2 is one corporate body and there were criminal litigation against the sugar factory and its executive body. The Covid-19 lockdown period also restrained the defendant nos. 1 and 2 to file the written statement. The no written statement order is required to be set aside. The defendant no. 2 prayed for the relief.

03. Say of the other side came to be invited. The other side submitted that the contentions of the defendant no. 2 are wrong and cannot be relied. The application is devoid of merit and liable to be rejected. In case of allowing the application heavy costs be imposed.

04. In this case no written statement order is passed. The defendant no. 2 is one corporate body and it is always hard for corporate body to move fast like natural person. The corporate body is required to be fulfilled formalities before filing the written statement. So it is natural that there would be completion of formalities prior to taking the steps in the Court of law. In such circumstances delay can be caused. Moreover, there was lockdown period from March 2020 to December 2021. The Covid- 19 period also added some vigor to the delay. The delay is required to be condoned and if it is do so then no prejudice would be caused to the plaintiffs. The delay caused to the

plaintiff may be compensated in terms of costs. Having regard to the above said reasons I am inclined to pass following order.

ORDER

1. The application is hereby allowed.
2. The delay caused in filing the written statement stands condoned.
3. The written statement be taken on record.
4. The costs of Rs.500/- be paid to the plaintiff by the defendants.

Karad.
Date- 16.08.2022

(V. S. Khot)
Civil Judge Senior Division, Karad.