

Order Below Exh. No.14 in Spl. C.S. NO. 65/2018

Bank of India Branch Karad

Vs.

Avinash Balaso Jadhav & Ors.

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. 16 on the ground that, contents of the application are false. Summons served on 25/04/2018. 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 25/04/2018 summons duly served upon defendant No.2A and 2B. They appeared on 21/07/2018. Record shows that thereafter present defendant filed application on 21-07-2018 directing the plaintiff to provide translated copy of plaint in Marathi language. The said application came to be allowed on 01-03-2019. Considering all this in my view, defendant no.2 had sufficient time to file W.S. However, in my view, considering that some of the time expired in deciding application of present defendant for directing the plaintiff to provide translated copy of plaint in

Marathi language I think it justifiable to permit present defendant to file W.S. so as to avoid multiplicity of proceedings and to decide the matter on merit. 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. 200/- to the plaintiff bank.
2. The cost of present application shall be borne by present defendants.

Date :- 14/01/2020

Place :- Karad

(A.P. Kulkarni)

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