

MHTH170044722023



**ORDER BELOW EXH. 09**

01. This is an application by defendant for condonation of delay for filing written statement. It is submitted that the defendant that there is delay in filing written statement because the defendnat was busy in collecting the necessary documents. It is necessary to hear other side to decide the matter on merits. He has not deliberately prolonging the matter. Hence prayed for allow the application.

02. The defendant has filed say overleaf and submitted that delay is not rational and there is huge delay. Hence prayed for reject the application.

03. Heard Ld. Advocate for both the sides. This is a suit for recovery of money. Perused material on record. True that, there is delay by the defendant to file his written statement. However, It is necessary to to hear other side, to decide the suit on merit and to resolve the between the party. The delay can be compensated by saddling cost upon the applicant. Hence, in the interest of justice I pass following order.

**ORDER**

01. Application **Exh. 09** is allowed subject to cost of Rs. 1,000/- to be paid to the plaintiff.
02. The delay is hereby condoned. The written statement of defendant be read and recorded after payment of cost.

Date – 27/03/2025.

**(S. R. Bandal)**  
2<sup>nd</sup> Jt. Civil Judge Jr. Division,  
Palghar.