

Order below Exh.16

By this application, the defendant has prayed for permitting him to file his written statement on record.

2] It is the case of the defendant that he wants to file his W.S but inadvertently there is delay which was not intentional. Therefore, it is prayed that permission may be given to defendant for filing his W.S on record.

3] Plaintiff opposed the application by filing his say on it. It is submitted by the plaintiff that the defendant appeared on 02/08/2019, sufficient time was already given to file W.S. On these grounds, it is prayed that the application be rejected.

4] Perused the application and reply. Heard Ld. Advocate for both the sides. Perused the record.

5] The defendant was served with suit summons vide Exh. 6 on 22/07/2019. Under Order 8 Rule 1 of the Code of Civil Procedure, the defendant is permitted to file its Written Statement within 30 days from the date of service of summons. Even thereafter, the defendant can be permitted to file his written statement beyond the period of 90 days, if he shows cause of an exceptional nature. As already stated, the defendant was served with suit summons on 22/07/2019. As per law, the defendant was required to file their Written Statement within stipulated period of 90 days, but the defendants failed to do so and

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have taken out this application on 06/11/2019. Thus, there is delay 16 days in filing of Written Statement.

6] Therefore, though there is no exceptional case shown by the defendant, considering the delay and looking to the nature of dispute, in my opinion, an opportunity needs to be given to the defendant to put up his defence. For the same, it is necessary to grant him permission to file his W.S on record.

7] Certainly, on account of granting permission to the defendant to file his defence on record, some inconvenience would be caused to the plaintiff, but the same can be compensated by imposing appropriate cost. Therefore, this application deserves to be allowed, subject to payment of cost to the plaintiff. Resultantly, the following order.

ORDER

- 1] Application Exh.16 is allowed, subject to payment of cost of Rs. 200/- to the plaintiff by the defendant.
- 2] On payment of costs, the W.S of defendant be taken on record.

Sd/-

Karanja.
Date: 28/11/2019

(K. K. Chaudhari)
2nd Jt. Civil Judge (Jr. Division),
Karanja (Lad), Dist. Washim.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment/ Order are same word to word as per the original order.

Name of Steno. :- V. R. Gurawa (Stenographer-3)

Court Name :- 2nd Civil Judge (Jr. Dn.) and J.M.F.C.,
Karanja (Lad), Dist. Washim.

Date :- 28/11/2019

Order signed by the :- 28/11/2019
presiding officer on

Order uploaded on :- 28/11/2019