

IN THE COURT OF SMALL CAUSES, AT MUMBAI

ORDER BELOW EXHIBIT NO. 76

IN

R.A.E. SUIT NO. 633 OF 2015

[CNR NO.MHSCA20011932015]

Mr. Akil Taher Ally Sadikot and anr.Plaintiffs
Ms. Fatema Taherally Sadikot and ors

Versus

1. Mr. Lalit Timothy D'souza and ors.Defendants

Coram : D.R.Mali
Judge, C. R. No. 9
Date : 11/06/2024

: O R D E R :

1. Defendant No.1(b) has filed this application for taking on record the pursis of adopting additional written statement of defendant No. 1 by condoning the delay.
2. Defendant No.1 (b) submitted that the plaintiffs have carried out an amendment in the plaint and submitted the amended copy of plaint on record. After an amendment, defendant No. 1(b) has right to file the additional written statement. However, there is some delay which may be condoned. She submitted that that defendant No. 1 has already filed additional written statement and she wish to adopt the same.
3. Plaintiff has filed reply on overleaf of this application and submitted that there is not sufficient cause

shown by defendant No. 1(b) to condone the delay. Hence, plaintiff prayed for rejection of this application.

4. Heard both sides. Also gone through record. On perusal of the plaint, it appears that amendment was carried out within time permitted and copy of amended plaint was supplied on 20/01/2024. The original written statement of defendant No.1(b) is already on record. It appears that the valuable rights of the parties are involved in the present suit. After amendment in the plaint, defendant No.1(b) can file additional written statement. Therefore, the opportunity of filing additional written statement needs to be granted to the defendant no.1(b). If the opportunity to file written statement is granted to the defendant, then it will help to determine the real controversy on merit. Defendant No. 1 (b) is going to adopt the written statement filed by defendant No.1. Therefore, I pass following order :

ORDER

1. The application [**Exhibit – 76**] is allowed.
2. The delay caused in filing additional written statement is hereby condoned and the adoption pursis filed by defendant No. 1(b) is taken on record.

Mumbai.

Date : 11/06/2024

Dictated On : 11/06/2024

Transcribed on : 11/06/2024

Checked and signed on : 11/06/2024

[D.R.Mali]

Judge, C.R. No.9