

IN THE COURT OF SMALL CAUSES AT MUMBAI**Order below Exhibit 10****in****T.E. Suit No. 39 of 2015**

Samta Builders Pvt. Ltd.

..... Plaintiff

V/s.

Ajaykumar Baijnath Aggarwal and others.

..... Defendants

Ms. Ranjana Parikh : Advocate for Plaintiffs.

M/s. A.V. Jain Associates : Advocate for Defendant Nos. 1 and 2.

Coram:- Shri V. G. Mohite, Judge

C.R. No. 23

Date :- 15th June, 2015.**Order:-**

1. The defendant Nos. 1 and 2 have filed this application for condonation of delay in filing the written statement.

2. The plaintiff resisted the application by filing the say on it.

3. I have heard learned Advocates for both sides. I have gone through the record and proceeding of this matter. As per Order VIII Rule 1 of Code of Civil Procedure, 1908 the defendant has to file the written statement within the period of 30 days from the date of receipt of the suit

summons and the said time may be extended upto 90 days for the reasons to be recorded in writing. In this case the delay in filing written statement is not beyond the period of 90 days.

4. It is not disputed that the defendant served with the suit summons on 27.04.2015 and there is delay of 42 days in filing the written statement. According to defendants, the talks of settlement were going on after receipt of the suit summons. Their Advocate was out of station during above period. Therefore, defendants could not file the written statement within the period of 30 days. The grounds mentioned in this application are satisfactory. Application therefore, deserves to be allowed. Hence, I pass the following order:

ORDER

1. Application is allowed.
2. Delay in filing the written statement by the defendants is condoned.
3. Written statement is taken on record.

(V. G. Mohite)
Judge
C.R. No.23

Date : 15th June, 2015

Order dictated on : 15.06.2015

Order transcribed on : 15.06.2015

Order checked and signed on : 15.06.2015

