

CNR NO. :MHSCA20000152024



IN THE COURT OF SMALL CAUSES, AT MUMBAI

ORDER BELOW EXHIBIT No. 11

IN

R.A.E. SUIT NO. 12 OF 2024

Rajesh Narayan Purandare

.....Plaintiff

Versus

Ramniklal Chapsi Savla

.....Defendant

Coram : Paresh V. Kulkarni
Judge, C. R. No. 19
Date : 04/02/2025

ORAL ORDER :

This is an application filed by the defendant to condone the delay of 30 days to file the written statement and accept the same. Reply is filed by the plaintiff below same application.

2. Perused the application as well as say.

3. It is the contention of the defendant that service of suit summons has been waived by the defendant by accepting the suit summons on 19.10.2024. The written statement ought to have been filed within 30 days thereafter. But, plaintiff failed and neglected to give the inspection of the document as claimed by the Learned Advocate for defendant vide letter dated 19.10.2024. Therefore, delay caused. Similarly, the plaintiff has filed false complaint. Those

documents were called by Learned Advocate for defendant to prepare written statement. The delay is not intentional. Hence, prayed to allow the application. Per contra, the plaintiff has raised the strong objection to allow the application.

4. Record shows that the suit yet not attained final stage. Even plaintiff has not filed evidence on affidavit. Admittedly, delay is caused to file the written statement. But, it is not highly considerable being the delay of 30 days. The reason for delay is certainly acceptable in view of the amount of delay. I found no malafide intention to cause such delay. Hence, following order :

ORDER

1. The application is allowed.
2. Written statement be read and recorded by condoning the delay.

Date : 04/02/2025
Mumbai

[Paresh V. Kulkarni]
Judge, C.R. No. 19