

ORDER BELOW EXH. 130
IN SPECIAL SUMMARY SUIT NO.58/2022
(CNR NO.MHPU02-000244-2022)

1. Read application and say filed thereon. Heard learned advocate for the defendant and Ld. Advocate for the plaintiff.
2. This is an application filed by defendant for condonation of delay in filing written statement to defend the present suit. The defendant has contended that after receiving the copy of summons in January 2022, the respondents appeared on 05/02/2022. However, as the defendant No.3 was detected Covid-19 Positive, the written statement could not be filed within time. The delay caused is not intentional one. Hence, he prayed to condone the delay caused in filing written statement.
3. Plaintiff has filed his say overleaf the application and extended no objection.
4. Heard advocates for both sides.
5. Perused the record. It is not disputed fact that defendant was served with summons in January 2022. In regular course he was expected to file his written statement within 90 days. So far as alleged delay in filing written statement is concerned, there is no document in support of the ground. The application is supported with the affidavit. Even otherwise in view of the settled principle of law that for deciding the matter on merit opportunity has to be given to both sides. Hence, the

application deserves to be allowed. Hence, heavy cost need to be imposed for the delay and inconvenience caused to the plaintiff. Hence, the order-

ORDER

- 1] The application is allowed.
- 2] Delay in filing application leave to defend is condoned and defendant is directed to pay cost of Rs. 500/- (Rs. Five hundred only) to be paid to DLSA, Pune.

Sd/-xxx

(H. S. Puradupadhye)

Dt. 29/06/2022

14th Joint Civil Judge, Sr. Dn., Pune.

CERTIFICATE

I affirm that the contents of this P.D.F. File judgment / order are same word for word as per original judgment / order.

Name of Steno	:	Minal C. Yeole (Steno Grade III)
Court Name	:	Shri. H. S.Puradupadhye, 14 th Jt. CJSD Pune.
Date of order	:	29-06-2022
Order signed by P.O. On	:	29-06-2022
Order uploaded on	:	30-06-2022