IN THE COURT OF SMALL CAUSES, AT MUMBAI

ORDER BELOW EXH. 27

IN

RAD SUIT No. 2136 OF 2008.

1. Abdul Kayum Mohamed Shaikh and ors

Plaintiffs

V/s.

Haji Ismail Haji Allana and anr

Defendants

Ld. Adv. for the Plaintiff : Mr. Rajput
Ld. Adv. for the Defendant : Mr. Bharat Mehta

Coram : P. T. Rahule
Judge, C.R. No. 22
Dt. 14th December, 2012.

: O R D E R :

Perused the application and say thereon. Heard the learned advocates for both the sides.

2. The learned for the defendants No.7 to 21, Mr. Bharat Mehta, has submitted that the defendants No.7 to 21 could not file additional written statement after the plaint was amended on 23.8.2012 within stipulated period of

limitation. By the time, this additional written statement was made ready to file on record, one day delay was caused due to inadvertence and hence in the interest of justice by granting this application that delay of one day be condoned and the additional written statement be taken on record. Hence, this application.

3. The learned advocate Mr. Rajput, for the plaintiffs has submitted that it is not inadvertent delay. It is deliberate delay caused by the defendants with intention to delay the proceeding and hence it should not be granted atleast without saddling some the costs.

4. Having considered the submissions tabled by both the sides and having gone through the record which speaks about only one day delay in filing this additional written statement, it would be great injustice to defendants if delay is not condoned and they are not allowed to file additional written statement as the defendant had already contested the suit by filing the written statement and this delay of only single day, has been caused for filing the additional

written statement. I, therefore, reach the conclusion that in the interest of justice this opportunity deserves to be given to the defendants No.7 to 21 by granting this application and in the aftermath, pass the following order.

ORDER

The application stands granted and the delay of one day stands condoned.

Mumbai.
Dt. 14th December, 2012.

(P. T. Rahule)
Judge, C.R. No. 22.

Dictated On : 14.12.12
Typed on : 22.12.12
corrected on : 28.12.12
printed and signed on : 04.01.13.

(P. T. Rahule)
Judge, C.R. No. 22.