

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT 11

IN

R.A.E. SUIT NO. 356 of 2024

1. M/s. Rishi Enterprises and ors. ...Plaintiffs

V/s.

1. Union of India and anr. ...Defendants

Amit Kumer Singh : Learned advocate for plaintiffs.

R.P. Ojha : Learned advocate for defendant no.2.

Coram :- Rutuja S. Bhosale
Judge,
Court Room No.20

Date :- 06.07.2024

ORDER :

By the present application defendant no.2 seeks to condone the delay of 44 days in filing his written statement. It is submitted that defendant no. 2 was served on 23.4.2024. Thereafter, as Courts vacation, the advocate of defendant no.2 was out of station. After returning from vacation and after taking instructions from defendant no.2, advocate for defendant no.2 prepared his written statement. Thereafter, the draft was approved by defendant no. 2 and the final written statement was prepared. Therefore, there is a delay of 44 days. Though the written statement is filed beyond 30 days it is within 90 days. Hence, the delay be condoned and written statement of defendant no.2 be taken on record.

2. Learned advocate for plaintiff has filed reply overleaf and has

taken objection. He states that the written statement is not filed within limitation and therefore costs be imposed upon defendant no.2.

3. Heard both the learned advocates.

4. Defendant no.2 has admitted that the writ of summons is served upon him on 23.4.2024 . The defendant no.2 has shown sufficient caused to condone the delay in filing the written statement. Hence, it will be just and proper to condone the delay and accept the written statement of defendant no.2. Accordingly, following order is passed.

ORDER

1. Application is allowed.
2. Delay of 44 days in filing written statement is condoned.

Date: 06.07.2024

**[Rutuja S. Bhosale]
Judge, C.R.No.20**