

IN THE COURT OF SMALL CAUSES, AT MUMBAI**ORDER BELOW EXHIBIT-30
IN
R.A.D. SUIT NO. 472 OF 2021
[CNR NO. MHSCA 20009422021]**

Shri. Nitin Manilal Furia & Anr.

.....PLAINTIFF

Versus

M/s. Aarti Realchem LLP & Ors.

.....DEFENDANTS

**Coram : A. H. Baig
Judge, C. R. No. 9
Date : 27/09/2024****ORDER**

Perused the application and say filed. Heard both the learned advocates. By moving present application, defendants have prayed for condoning delay in filing written statement. The reason given for delay to the extent of Covid – 19 pandemic, is acceptable and satisfactory. However, the reasons for further delay are not satisfactory. In spite of the same, I am of the opinion that fair chance should be given to the defendants to contest this suit by filing their written statement. As per principle of natural justice 'Audi Alteram Partem', no person shall be condemned unheard. If such opportunity is given to defendants by condoning delay, no serious prejudice will be caused to the plaintiff. On the contrary, suit will be decided on merits. At the same time, I hold that some costs are required to be imposed on defendants for causing delay. Accordingly, I conclude that following order would meet the ends of justice. Hence, the order :

: ORDER:

1. The application is allowed subject to payment of costs of Rs. 1000/- (Rs. One Thousand Only) to be paid to the plaintiff on or before next date as condition precedent.
2. The delay caused in filing written statement, is condoned subject to costs as per clause (1) above.
3. After compliance, written statement filed by the defendants shall be taken on record.

Date : 27/09/2024**Mumbai**

Dictated On : 27/09/2024

Transcribed on : 27/09/2024

Checked and signed on : 27/09/2024

(A. H.Baig)
Judge, C.R. No. 09