

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT-32
IN
RAD SUIT NO.967 OF 2023
(CNR NO.MHSCA2-001282-2023)

Shri. Deepak Dinanath Lotlikar ...Plaintiff
Versus
Mumbai Metro Rail Corporation and Ors. ..Defendants

Mr. A. A. Kocharekar, Advocate for Plaintiff.
Mr. Mangesh D. Chavan, Advocate for defendant No.10

Coram:- S. D. Kurane, Judge
Court Room No.8
Dt.09.02.2024

ORDER

This is application filed by defendant No.10 for condonation of delay of 61 days in filing written statement and sought permission to bring it on record as prayed.

2. Perused the application. The plaintiff has endorsed his say to the application and objected the application mentioning that the ground for condonation of delay is vague and baseless. The application is devoid of any merit and liable to be rejected.

3. Heard and gone through details of the record.

4. It is to note that plaintiff filed suit for declaration against the defendants. It is a matter of record that on 10.11.2023 defendant No.10 is duly served with suit summons but failed to file written statement within statutory period.

5. So far as concerning the reasons in the application, defendant No.10 has come with the contention that it took more time

to draft the written statement as the plaint was itself more than 120 pages and compilation of documents are more than 300 pages. Her Advocate was busy in other matters in various Courts in Mumbai did not get time to finalize the same.

6. It was incumbent on part of defendant No.10 to approach the Court within statutory period with their specific defence to the suit. Unfortunately, it could not happen in the suit. But, considering the nature of suit and relief claimed in it, I viewed that parties to the suit should get a reasonable opportunity to put their case on record. But, simultaneously whatever delay caused by defendant No.10 in approaching before the Court in time that should not be overlooked. Hence, the order.

ORDER

1. Application vide Exhibit-32 is hereby allowed subject to costs of Rs.600/- to the plaintiff.
2. Parties to take note.

Date : 09.02.2024

**Sd/-
(S. D. Kurane)
Judge, C. R. No. 8**