CNR NO.- MHSCA2002377-2022

IN THE COURT OF SMALL CAUSES, AT MUMBAI
ORDER BELOW EXHIBIT - 20
IN
R.A.E Suit No.1279 of 2022

1. Mr. Vijay Anant Nagwekar & Ors. ..Plaintiffs
V/s.
1. Mr. Ranjeet Yadav & Ors. ..Defendants

Appearance :
Mr. Saurabh J. Dhuri, Ld. Advocate for the plaintiffs
Mr. Jayesh Bhatt, Ld. Advocate for the defendant Nos. 2 to 7.

Coram: R.R.Kale
Judge, Court Room No.14,
Date: 09.08.2023

ORDER:-

Present suit is filed for eviction and for recovery of possession.

2. Present application is filed by the defendant Nos. 2 to 7 for condonation of delay in filing written statement and permit them to file it on record.

3. The defendant Nos. 2 to 7 have submitted in their application that, the delay has been caused in filing the written statement within statutory period and it may kindly be condoned on account of reasons stated in the application.

4. On the contrary, the plaintiffs have filed their reply at Exhibit No. 23 and have strongly opposed the present application. The plaintiffs in brief in their reply submitted that, the reasons stated in the

application are vague and not valid. Hence, application be rejected. Contending all these grounds, the plaintiffs have prayed for rejection of the application.

5. From the contents of the application and say filed thereon, following points arose for my determination and I record my findings thereon as under : -

| Sr.No. | Points | Findings |
|---|---|---|
| 1. | Whether the application is liable to allowed? | .. Yes. |
| 2. | What order? | ... Application is allowed on cost. |

## REASONS

**As to Point Nos. 1 and 2:**

6. Heard respective Ld. advocates / Ld. holding advocates on behalf of both the parties / parties at length. The present suit is filed for eviction and for recovery of possession on various grounds. The present application is taken for order considering the urgency shown by the plaintiffs on account of their injunction application pending.

7. After perusal of application and say filed by the plaintiffs it seems that, the delay has been caused for filing written statement within statutory period by above defendants. The reasons assigned for not filing written statement within statutory period as per Code of Civil Procedure do not appear prima facie to be satisfactory. However, to decide real controversy between the parties and considering rights of above defendants to take defence, it would be just and proper to allow this application and permit them to file their written statement on

record. At the same time, some cost needs to be imposed upon the above defendants. Therefore in view of above all discussion, I answer point no. 1 in affirmative and in answer to point no. 2, the following order will meet the ends of justice:

**O R D E R**

1. Application vide Exhibit No. 20 stands allowed subject to cost of Rs.300/- to be given to the plaintiffs on or before next date.

2. The delay caused for filing written statement on record is hereby condoned and the defendant Nos. 2 to 7 are permitted to file their written statement on record.

ROHINI RAGHUNATH KALE

Digitally signed by ROHINI RAGHUNATH KALE
Date: 2023.08.11 15:28:28 +0530

[R.R.Kale]
Judge,
C.R. No. 14.

Date : 09.08.2023.