

ORDER BELOW Exh.18

(DATE : 23/02/2021)

1. The present application is moved by the defendants for leave to defend vide Order 37 Rule 3, subrule 5 of the Code of Civil Procedure. In spite of an opportunity given to the plaintiff no say has been filed by the plaintiff. Perused the record.

2. The plaintiff filed suit for recovery of the amount against purchase of material by the defendants. The defendants by filing of this application raised contention that the suit is not within limitation. The defendants contended that they will succeed in the suit. The contention of the defendants has not been denied by the plaintiff. There is no reason to infer that the defence intended to be put up by defendant is frivolous or vexatious. Proviso of subrule 5 of rule 3 of Order 37 says that, leave to defend shall not be refused unless the Court is satisfied that the facts disclosed do not indicate a substantial defence or that the defence is frivolous or vexatious.

3. In this case, there is no reason to believe that the defence of defendants is frivolous or vexatious. In such circumstances, I pass following order

ORDER

1. The application is allowed.

2. Leave to defend is granted to the defendants.

Sangli
Date : 23/02/2021

(Vinod R. Patil)
2nd Jt. Civil Judge Sr. Dn., Sangli.

C E R T I F I C A T E

I affirm that, the contents of this P.D.F. file order / judgment are same, word to word, as per the original Order.

Name of Stenographer	:	Jotiram S. Bobade,
Court	:	2 nd Jt. Civil Judge Sr.Dn. Sangli.
Date of Order/Judgment	:	23/02/2021
Date of Typing	:	23/02/2021
Date of signature of P.O.	:	23/02/2021
Date of uploading on CIS	:	24/02/2021