



Insolvency/1/2018

Hitesh Steel Syndicate (India) Pvt. Ltd. Vs. Suchit Madanlal Malhotra

ORDER BELOW EHX. 17

1] The judgment debtor/respondent has filed this application for condonation of delay in filling of W.S. as it is not filed within stipulated period. In support of the application the defendant submitted that the petitioner did not supply the copies of the documents filed by the petitioner. Hence, there is delay about three months in filing the WS. Therefore, he could not present his W.S. within stipulated time, therefore, he may be permitted to file his W.S. in the interest of justice.

2] The plaintiff has filed his say at Exh. 21 and strongly objected to allow this application. The petitioner submitted that he has served the copy of said document. Petition alongwith all documents on 11th April, 2019 in the Court. The petitioner further submitted that the said copies sent on 13th April 2019 through Registered A.D. through Ld. Advocate to the respondent. Hence, it prayed to reject this application.

3] For filling of W.S. after the stipulated period the party must show the reasonable justification which prevented him from filing it. Here in this case considering the contents of the application it appears that there is justifiable explanation offered by the defendant. Apart from that the opportunity is required to be given

to defendant to defend this suit on merit. Needless to say that the harassment caused to the plaintiff due to delay for filing W.S. can be compensated by way of awarding reasonable costs. Considering the facts of the case, I am of the opinion that the application deserves to be allowed in the interest to the justice without any cost. Hence, I proceed to pass following order -

ORDER

Application for condonation of delay vide Exh. 17 is allowed without any cost and permission granted to file W.S.

Date : 04-02-2020

Shri. K. G. Chaudhari
8th Joint Civil Judge Senior Division Thane

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