

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8040 OF 2013

State Bank of India	..	Petitioner
VS.		
Swapnil Vilas Shinde & Anr.	..	Respondents

Mr. J. D. Navlani i/b. Kusumakar Kaushik for Petitioner.
None for Respondents.

CORAM : M. S. SONAK, J.
DATE: 08 MAY 2015

P.C. :-

1] The learned counsel for the petitioner states that service has been completed on the respondents and that he shall file necessary affidavit of service in the course of the day.

2] By order dated 10 February 2014, parties were put to notice that this petition will be disposed of finally at the stage of admission.

3] This petition is directed against the order dated 31 January 2013 made by the Civil Judge, Senior Division, Ratnagiri, declining to accept the petitioner's written statement on the ground that it was filed around four months after the expiry of ninety days period from the date of service of summons for settlement of issues.

4] In the application explaining the delay, the petitioner has made a solemn statement that the necessary case-papers and documents concerning the matter were misplaced, as a result of

which, the petitioner was unable to file the written statement. No doubt, it was necessary for the petitioner to have stated details, including *inter alia* details of the officers who were responsible for filing of the written statement or for that matter custody of the case-papers. However, considering the circumstance that delay is not inordinate and further that public interest might be a casualty if the petitioner is not permitted to file written statement, the impugned order is set aside subject to the petitioner paying costs of Rs.10,000/- (Rupees Ten Thousand) to the respondents.

5] Further, the petitioner, is also directed to hold an enquiry and fix responsibility upon the officer / officers who were responsible for the custody of the case-papers and for filing of written statement within a prescribed period. Depending upon such enquiry, the petitioner to deduct the amount of costs from the officer / officers' salary and thereafter submit a compliance report before the trial Court within a period of three months from today.

6] Rule is made absolute to the aforesaid extent. There shall be no separate order as to costs in this petition.

7] All concerned to act on basis of an authenticated copy of this order.

(M. S. SONAK, J.)