


MHAH080001452014 	<u>ORDER BELOW EXH-343 IN R.C.S</u> <u>NO. 199 OF 1995.</u> (Laxman Rabhaji Wagh Vs. Rangnath Rabhaji Wagh and Ors.)
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(Passed on 26/11/2025)

Perused application and say filed thereon. Heard both sides. This suit is 30 years old. The plaintiff sought amendment in pleading by application at Exh.314 and the application is partly allowed by order dated 24/09/2025. Thereafter, the plaintiff carried out amendment and filed amended plaint on 08/10/2025. Since then the suit is for additional W.S. by defendants. Defendant No. 1B failed to file W.S within stipulated period of 90 days. Therefore, this application is moved with submission that, it is necessary for defendant No. 1B to submit her W.S. She could not filed additional W.S. within stipulated period of limitation because of her illness and old age. Therefore, she prayed to condone delay caused to submit additional W.S.

02. The plaintiff filed say overleaf of application and submitted that, this application is moved by defendant only with intention to prolong the suit. She is party to suit since 2009 and having knowledge of proceeding. Previously she had adopted W.S. of defendant No. 3. This application is moved with intention to fill-up the lacuna in suit. Reasonable ground is not shown by defendant to condone the delay. Therefore, plaintiff prayed to reject the application.

03. The suit is pretty old and it is equally important for all the parties to take prompt steps in order to avoid delay and to expedite the proceeding. Though it is necessary to give opportunity of being heard to defendants and for final adjudication of real question of dispute between both parties, it is also equally important to consider the delay caused by defendant No. 1B to file her W.S. Hence, considering reason of old age and illness of defendant No. 1B delay caused by her to submit W.S. is condoned subject to costs of Rs. 1,000/- to be paid to plaintiff.

Place : Sangamner
Date : 26/11/2025.

(Smt. S. B. Dhawale)
Judicial Magistrate, First Class,
Sangamner, Dist. Ahmednagar.