

ORDER PASSED BELOW EXH.20 IN R.C.S.No.23/2017
(CNR NO.MHAH18 00053-2017)

(Shri.Asaram Maruti Bhusari

- Plaintiff

Versus

Ramdas Dagadu Choudhari and others 5

...Defendants.)

1. This is an application filed by defendant Nos.1 to 3 for condonation of delay in filing Written Statement.

2. The learned Advocate for the defendant Nos.1 to 3 has submitted that the information and certain documents are not available within time to them , hence they could not file their written statement in time. Hence, they prayed for condoning the delay in filing written statement.

3. The learned Advocate for the plaintiff has submitted that the plaintiff has filed this suit for temporary injunction and for measurement of land. The suit-summons was served on defendants Nos. 1to 3 on 21-01-2017. The defendant Nos.1 to 3 deliberately avoided to file their written statement on record. It is further submitted that to prolong the matter they have not filed their written statement within time. The reason mentioned in the application is not just and proper .Hence, prayed for rejection of the application.

4. Perused the application and say filed thereon. It appears from record, the suit-summons were duly served on the defendant Nos.1 to 3 on 21-01-2017 vide Exh.9. They have filed their vakalatnam (Exh.10) on 02-02-2017, For the purpose of deciding the real controversy between the parties, it is necessary to have the Written Statement of the defendants on record. No prejudice will be caused to the plaintiff, if the application is allowed. The delay in filing the Written Statement can be compensated in terms of money. Hence,

I proceed to pass following order :

ORDER

- i) The application is allowed.
- ii) Delay in filing the written statement of defendant Nos.1 to 3 is condoned subject to costs of Rs.1,000/- (Rs. One thousand only) to be deposited to the Legal Aid, Office, Rahuri.

Date:-12-04-2019

(**Maya P. Mathure**)
Jt. Civil Judge, J.D., Rahuri
Tal. Rahuri Dist. Ahmednagar