

**ORDER PASSED BELOW EXH.19 IN R.C.S.No.23/2017**  
(CNR NO.MHAH18 00532-2017)

**(Shri.Asaram Maruti Bhusari-**

**- Plaintiff**

**Versus**

**Ramdas Dagadu Choudhari and others 5**

**...Defendants.)**

----

1. This is an application filed by defendant Nos.4,5 & 6 for condonation of delay in filing Written Statement.

2. The learned Advocate for the defendant Nos.4,5 & 6 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 present suit is filed by the plaintiff against the defendants for encroachment and permanent injunction. The summons has been served on defendant Nos.4,5 & 6 on 24-01-2017, but inspite of service of summons, the defendants with intention to prolong the trial did not file the written statement on record. Hence, he 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.4 & 5 on 21-01-2017 vide Exh.10 and suitsummons was duly served on the defendant No. 6 on 19-03-2017 vide Exh.13. 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. Nos. 4,5 & 6 is condoned subject to costs of Rs.1,000/- (Rs. One Thousand only) to be paid to the plaintiff.

( **Maya P. Mathure** )  
. 2<sup>nd</sup> It.Civil Judge, J.D.,Rahuri  
Tal.Rahuri Dist,Ahmednagar

Date:-03-06-2019