

MHAH180005692023



R.C.S.No. 142/2023

Sheetal Kolase

Vs.

Vishal Kadam & Ors.

ORDER PASSED BELOW EXHIBIT-24

This is an application filed by defendant no.3 and 4 to condone the delay caused to file written statement within the statutory period.

2. Defendant no. 3 and 4 submitted that, they could not file written statement within the prescribed statutory period due to they were outstation. Hence, they prayed to condone the delay caused to file the written statement within statutory period.

3. Learned advocate for the plaintiff filed his reply on the back leaf of the application and prayed to reject it.

4. I have heard both sides and perused the record.

5. The defendants should have an opportunity to defend the suit. It is always better to decide the suit on merit rather than to proceed without hearing the other side. Therefore, in order to follow the principle of *audi alteram partem*, the delay caused by the defendants to file the written statement within the statutory period needed to be condoned. However, due to the delay caused by defendant no.3 and 4, the plaintiff is entitled to get costs at the hands of defendant no.3 and 4. Hence, I pass the following order.

O R D E R

1. The application is allowed.
2. The delay caused to file written statement of defendant no. 3 and 4 is hereby condoned subject to the payment of costs of Rs.500/- to be paid by defendant no. 3 and 4 to the plaintiff.
3. The Written statement which is already placed on record, be read and recorded after payment of costs as aforesaid.

Date: 20/07/2024

(Mayursingh D. Gautam)
2nd Jt. Civil Judge (J.D),
Rahuri