

MHAH180006282023



R.C.S.No. 154/2023
Pandharinath Shirsath
Vs.
Satish Shirsath & Ors.

ORDER PASSED BELOW EXHIBIT-22

This is an application filed by defendant no.10 for condone the delay caused to file written statement within the statutory period.

2. It is the case of defendant no.10 that, he could not file written statement within prescribed statutory period due to unavailability of certain documents. Hence, he prayed to condone the delay caused to file written statement within statutory period.

3. Learned advocate for the plaintiff file his say on the backleaf of the application. He raised strong objection of the application.

4. Heard both sides. Perused the record.

5. Defendant should have to give 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*, delay caused to file written statement within statutory period needs to be condoned. However, due to the delay caused by defendant no.10 the plaintiff deserved to be compensated at the hands of

defendant no.10 by way of cost. Resultantly, I pass the following order.

ORDER

1. The application is allowed.
2. Delay caused to file written statement of defendant no.10 is hereby condoned subject to the payment of costs of Rs.200/- to be paid by defendant no.10 to the plaintiffs.
3. Written statement which is already placed on record, be read and recorded after payment of costs as aforesaid.

Rahuri

Date: 18/04/2024

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

C E R T I F I C A T E

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original judgment.

- (a) Name of the Stenographer : S.P. Pardeshi
- (b) Court : CJJD & JMFC, Rahuri
- (c) Date of Judgment/Order : 18/04/2024
- (d) Judgment/Order signed by P.O on : 18/04/2024
- (e) Judgment/Order uploaded on : 18/04/2024