

MHAH180024642022



**R.C.S. No.650/2022**

Karbhari Eknath Dukre  
Vs.  
Baburao Vitthal Dukre & Ors.

**ORDER BELOW EXH.35**

This is an application filed by the defendant no.9 to 14 for condonation of delay of 35 days for filing say. It is submitted that, defendants appeared but due to insufficient document they could not filed say within stipulated time. Therefore, delay caused for filing say. The delay was not intentionally but due to insufficient document it could not be filed on record. Hence, prayed for allowed the application.

2] The learned Advocate for the plaintiff has filed their say on the back leaf of the application and submitted that, present application is not tenable. Defendants intentionally prolonging the matter and has not filed their say within stipulated time. If the application allowed then heavy costs may kindly granted to the plaintiff. Hence, prayed to reject the application.

3] Perused the application and say filed on record. Defendant no.9 to 14 appeared in the suit on dated 09/10/2024. But they could not filed their written statement within stipulated time. The record shows that defendant appeared but despite sufficient opportunities has

not filed their written statement and accordingly delay caused for filing written statement. The reason mentioned in the application is not justified. Suit is for declaration and injunction. Therefore, deciding the suit on merit it is necessary to come on record written statement of defendant. Hence, considering the principle of natural justice opportunity should be given to the defendant. No doubt it causes inconvenience to the plaintiff but it can be compensated in terms of money by affording reasonable costs. Accordingly, I pass the following order.

**ORDER**

1.	Application is allowed subject to costs of Rs.300/- to the plaintiff.
2.	Delay caused in filing say by defendant is hereby condoned in the interest of justice.
3.	Written Statement of defendant no.9 to 14 taken on record after compliance of this order.

Date: 19/11/2025

**(Shri. P. H. Patil)**  
2<sup>nd</sup> Jt. Civil Judge (J.D.)  
Rahuri