

MHAH180044002015



**ORDER PASSED BELOW EXH. 43 IN R.C.S.No.620/2016**  
(CNR NO.MHAH180044002015)

**Shri. Ramdas Dagadu Chaoudhari and others 2 ..Plaintiffs**

**Vs**

**Shri Vilas Ramkisan Dhokane and others 11 .. Defendants**

1] This is an application filed by the defendant No. 8 for condonation of delay in filing her written statement. The defendant No. 8 was ill. Therefore, she has not filed the written statement within stipulated time. At that time, the situation of due to pandemic of Covid 19, she was not present before the court. Hence, she has prayed for condoning the delay caused in filing the written statement.

2] The plaintiffs have filed their say on the application itself. They have contended that, the defendant No. 8 failed to file her written statement within stipulated time. Hence, prayed for the rejection of the application. Lastly, they prayed that heavy cost be saddled on the defendant No. 8.

3] Heard both the parties.

4] Perused the application and say filed on record. It appears from record that, the suit-summons were served on the defendant No. 8 on 28-12-2016 vide Exh.9. The defendant No. 8 has filed her vakalatnama on 06-04-2022.

5] It appears that the present suit is filed by the plaintiff for measurement of the suit property and for perpetual injunction against the defendants. Considering the nature of the suit, I am of the view that fair opportunity need to be given to the defendant No. 8 to defend the plaintiff's claim. No prejudice will be caused to the plaintiff, by allowing the application. The said delay can be compensated in terms of money. As such, I am inclined to allow the application. Resultantly, I proceed to pass following order.

**O R D E R**

1. The application is allowed.
2. Delay caused in filing the Written Statement by the defendant No. 8 is hereby condoned with cost of Rs. 500/- (Rs. Five Hundred Only) to be paid to the plaintiffs.

( **Smt. P. S. Bidkar** )  
2<sup>nd</sup> Jt. Civil Judge, J.D., Rahuri  
Tal. Rahuri, Dist. Ahmednagar

Date:-25-07-2022