

**Order below Exh. 13 in RCS 78/2021**

1. This is an application filed by the defendant no.1 for condonation of delay for filing of w.s and to bring on record the w.s. The application is supported with an affidavit. The say of the plaintiff was called on the said application. The plaintiff vehemently opposed to the said application. As per plaintiff's say the defendant has filed this false application for the purpose of prolonging the matter and also prayed for cost in case if application will allowed.

2. Heard, perused record.

3. The suit is for perpetual injunction and declaration. Dispute involved immovable property. Defendants submitted that he is out of station due to his work hence, he could not file w.s within a time. Reasons forwarded for absence and not filing w.s are quite reasonable. No w.s order is not yet passed. Hence application needs to be allowed but obviously on cost. Hence,I pass following order.

**ORDER**

The application is hereby allowed subject to cost of Rs. 500/- paid by the defendant to plaintiffs.

Date : 12/12/2022

Sd/-  
(V. B. Dombe)  
Jt. Judicial Magistrate F.C.  
Shevgaon