



ORDER BELOW EXH.16 (RCS No.131/2022)

Present application filed by Defendant No. 2 for condonation of delay for filing written statement and permission to file it. Application is supported with an affidavit.

2) Perused application and say filed thereon. In the application, it is contended that due to unavailability of necessary documents she could not file her written statement within time. She further contended that the delay is not intentional. Therefore, defendant no. 2 prayed for condonation of delay to file written statement with permission to file the same. In the say Plaintiff contended that Defendant no. 2 is trying to prolong the matter without any reasons. Therefore, the plaintiff prayed for rejection of the application with cost of Rs. 1000/-.

3) Heard Ld. Advocate for the defendant no. 2 and the plaintiff. They have submitted as per their contentions in the application and say.

4) Perused Record. Present suit is filed for Injunction against defendants. From the record, it appears that “No Written Statement” order has not been passed against present defendant. To decide matter on merit and to felicitate just decision of the case, written statement of the defendants is also necessary. Therefore, considering the

nature of the suit, facts, circumstances, grounds mentioned in the application, in the interest of justice, and for proper adjudication of the present suit this court is of the opinion that written statement of the defendant no. 2 is necessary hence, delay needs to be condoned and permission needs to be given to defendant no. 2 for filing a written statement. At the same time delay to file written statement cannot be ignored, this delay can be compensated by saddling cost of Rs. 200/-on defendant no.2. Therefore, I pass the following order:

ORDER

- 1 Application (Exh.16) is allowed subject to cost of Rs.200/-.
- 2 Delay to file written statement is hereby condoned and defendant no.2 is permitted to file a Written Statement on record.

Place: Shevgoan

Date: - 14.07.2023

(Monali A. Bendre)
2nd Jt. Civil Judge Jr. Division,
Shevgaon.